

Ordinances Governing  
**ANIMALS**  
in the  
CITY OF ARLINGTON  
TEXAS

Amended by Ordinance No. 12-032  
(May 1, 2012)

(Chapter Designator: ANIMALS)

**ORDINANCE HISTORY**

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
<a href="#">90-86</a>	08/28/90	Repeal of the existing "Animals" Chapter and adoption of a new "Animals" Chapter.
<a href="#">91-113</a>	12/10/91	Amendment of <b>Section 1.01, Definitions</b> , by the deletion of definitions of "provocation," "vicious animal" and "vicious conduct," <b>Subsections (29), (37) and (38)</b> , respectively; by the addition of definitions of "dangerous animal" and "secure enclosure," <b>Subsections (9) and (32)</b> , respectively; by the renumbering of the remaining subsections; repeal of the existing <b>Article VIII, Vicious Animals</b> , and the adoption of a new <b>Article VIII, Dangerous Animals</b> , relative to the reporting, registration and keeping of dangerous animals; deletion of <b>Section 10.02 Vicious Dog Inquest</b> , and <b>Section 10.07, Administrative Hearing - Vicious Animal</b> , and renumbering of the remaining sections; and amendment of <b>Section 10.06, Appeal to Appeals Officer, Subsection (A)</b> , providing for appeals from administrative hearings on animals with revoked licenses, prohibited animals and exotic animals.
<a href="#">91-114</a>	12/17/91	Amendment of <b>Section 3.05, Adoption of Dogs or Cats</b> , relative to adoption and sterilization of dogs and cats from the animal shelter.
<a href="#">92-12</a>	01/21/92	Amendment of <b>Section 1.01, Definitions</b> , by the amendment of the definition of "pig" and by the addition of the definition of "potbellied pig", <b>Subsections (27) and (28)</b> , respectively, and by the renumbering of the <b>Section 5.03, Livestock</b> , allowing for the keeping of potbellied pigs.
<a href="#">94-77</a>	05/03/94	Amend <b>Article I, Definitions, Section 1.01, Definitions</b> , by the addition of the definitions "control", "force vis major" and "intact animal"; amend <b>Article III, Dogs and Cats, Section 3.04(B)</b> , relative to impoundment fees; amend <b>Article IV, Estrays and At Large</b> , by the addition of <b>Section 4.14,</b>

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		<u>Spay/Neuter of Animals</u> , relative to requirements for spaying and neutering animals.
<a href="#">95-91</a>	07/05/95	Amend <b>Article I</b> , <u>Definitions</u> , <b>Section 1.01</b> , <u>Definitions</u> , by the addition of the definition "support dog"; amend <b>Article III</b> , <u>Dogs and Cats</u> , <b>Section 3.02</b> , <u>Issuance of License</u> , providing an exemption of licensing fees for support dogs.
<a href="#">96-122</a>	09/10/96	Amend <b>Article I</b> , <u>Definitions</u> , <b>Section 1.01</b> , by the revision of the definition of "Dangerous Animal" to clarify and comply with State law; amend <b>Article VIII</b> , <u>Dangerous Animals</u> , at <b>Section 8.03</b> , <u>Notification and Appeal</u> , relative to notification process.
<a href="#">97-21</a>	02/18/97	Amendment of <b>Section 2.06</b> , <u>Animal Shelter Advisory Board</u> , changing the name of the Animal Shelter Advisory Committee to the Animal Shelter Advisory Board.
<a href="#">99-32</a>	03/16/99	Amend <b>Article I</b> , <u>Definitions</u> , Section 1.01, <u>Definitions</u> , relative to the amendment of the definition of "Hybrid"; Amend <b>Article II</b> , <u>General Provisions</u> , <b>Section 2.07</b> , <u>Nuisances</u> , <b>Subsection (D)</b> , relative to replacing the word vicious with the word dangerous to conform to state statutes; Amend <b>Article III</b> , <u>Dogs and Cats</u> , <b>Section 3.03</b> , <u>Impoundment of Dogs and Cats</u> , <b>Subsection (B)(3)</b> , relative to replacing the word vicious with the word dangerous to conform to state statutes; Amend <b>Article VI</b> , <u>Rabies Control and Bite Procedures</u> , <b>Section 6.04</b> , <u>Disposition or Release of Quarantined Animal</u> , <b>Subsection (A)(3)</b> , relative to replacing the word vicious with the word dangerous to conform to state statutes.

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
<a href="#">99-88</a>	07/27/99	Amend <b>Article II</b> , <u>General Provisions</u> , by the amendment of <b>Section 2.02</b> , <u>Duties of Animal Control Supervisor</u> , relative to the addition of the word "Zoning."
<a href="#">00-134</a>	11/28/00	Amend <b>Article I</b> , <u>Definitions</u> , by the amendment of <b>Section 1.01</b> , <u>Definitions</u> , relative to the addition of the definitions of "Bodily Injury" and "Court", and the amendment of the definitions of "Administrator", "Control", "Dangerous Animal" and "Secure Enclosure"; through the deletion and replacement of <b>Article VIII</b> , <u>Dangerous Animals</u> , relative to establishing additional procedures for hearings to determine dangerous animals and to clarify dangerous animals regulation.
<a href="#">01-026</a>	03/27/01	Amend <b>Article IX</b> , <u>Miscellaneous</u> , by the addition of <b>Section 9.05</b> , <u>Defecation - Removal and Disposal Required; Implements Required</u> , relative to the removal and disposal of animal defecation.
<a href="#">01-027</a>	03/27/01	Amend <b>Article II</b> , <u>General Provisions</u> , <b>Section 2.02</b> , <u>Duties of Animal Control Supervisor</u> , <b>Subsection (B)</b> , relative to administering and enforcing ordinances.
<a href="#">02-039</a>	04/02/02	Amend <b>Article VIII</b> , <u>Dangerous Animals</u> , <b>Section 8.03</b> , <u>Dangerous Animal Determination</u> , <b>Subsection (A)(2)</b> , relative to immediate surrender of an animal upon notification of a dangerous dog hearing; Amend <b>Section 8.05</b> , <u>Requirements for Owners of Dangerous Animals</u> , <b>Subsection (C)</b> , relative to immediate surrender of a dangerous animal; Amend <b>Section 8.05</b> , <b>Subsection (D)</b> , relative to immediate surrender of a previously declared dangerous animal if the owner falls out of compliance with the ordinance; Amend <b>Section 8.05</b> , <b>Subsection (G)</b> , relative to humane destruction of a previously declared dangerous animal; Amend <b>Section 8.12</b> , <u>Status of</u>

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		<p><u>Animal</u>, relative to immediate surrender of a previously declared dangerous animal.</p>
<a href="#">02-109</a>	10/01/02	<p>Amend <b>Article I, Definitions, Section 1.01</b>, relative to the amendment of the definitions of "Administrator", "At Large", "Dangerous Animal", "Deputy", "Estray book" "Estray handling fees", "Fowl", "Impound", "Notice of estray", "Secure enclosure", "Support Dog", and "Unreasonable odor", and the addition of the definitions of "Common Pigeon", "Fancy Pigeon", "He," "His" and "Him", "Loft", "Manager", "Mature Pigeon", "Pigeon", "Racing Pigeon", and "Sporting Pigeon", and the deletion of the definition of "Supervisor"; Amend <b>Article II, General Provisions</b>, relative to the correction of position titles, department name, and the name of the Animal Services Center and Board; Amend <b>Article III, Dogs and Cats, Section 3.02</b>, relative to the correction of position titles; <b>Section 3.03</b>, relative to the correction of position titles and impoundment of dogs and cats; <b>Section 3.05</b>, relative to the correction of position titles and the addition of the core vaccine and microchip fee; Amend <b>Article IV, Estrays and At Large, Sections 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 4.10, 4.12, 4.13, and 4.14</b>, relative to the correction of position titles and animal impoundment at police request; Amend <b>Article V, Sale and Breeding of Animals, Sections 5.01, 5.02, and 5.03</b>, relative to the sale of animals, regulation of fowl and the distance requirement for the keeping of livestock; Amend <b>Article VI, Rabies Control and Bite Procedures, Sections 6.01, 6.02, 6.03, 6.04, and 6.06</b>, relative to the addition of coyotes as a high risk animal, the correction of position titles, and changes to rabies control and bite procedures; Amend <b>Article VII, Prohibited and Exotic Animals, Sections 7.01, 7.02, 7.03, 7.04, 7.05, 7.07, 7.09, 7.10, and 7.11</b> relative to the correction of position titles and update in accordance with state</p>

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		law; Amend <b>Article VIII</b> , <u>Dangerous Animals</u> , <b>Sections 8.01, 8.02, 8.03, 8.04, 8.05, 8.06, 8.07, 8.09, 8.11, 8.12, and 8.13</b> , relative to the correction of position titles; Amend <b>Article IX</b> , <u>Miscellaneous</u> , relative to the correction of position titles and the addition of <b>Section 9.06</b> , <u>Pigeons</u> , and the addition of <b>Section 9.07</b> , <u>Care and Humane Treatment of Animals</u> ; Amend <b>Article X</b> , <u>Administrative Hearings and Inquests</u> , <b>Sections 10.02, 10.03, 10.04, 10.05, and 10.06</b> , relative to the correction of position titles.
<a href="#">03-003</a>	01/07/03	Amend <b>Article V</b> , <u>Sale and Breeding of Animals</u> , <b>Section 5.03</b> , <u>Livestock</u> , relative to distance for keeping of livestock away from another’s habitation.
<a href="#">03-043</a>	04/08/03	Amend <b>Article II</b> , <u>General Provisions</u> , <b>Section 2.06</b> , <u>Animal Services Center Advisory Board</u> , relative to increasing the membership of the Board.
<a href="#">03-100</a>	09/16/03	Amend <b>Article I</b> , <u>Definitions</u> , relative to the amendment of the Definition of "At Large".
<a href="#">04-041</a>	05/11/04	Amend <b>Article II</b> , <u>General Provisions</u> , <b>Section 2.06</b> , <u>Animal Services Center Advisory Board</u> , relative to the appointment of Board Members.
<a href="#">06-080</a>	08/22/06	Amend <b>Article I</b> , <u>Definitions</u> , <b>Section 1.01</b> , <u>Definitions</u> , relative to the definition of “Administrator”; Amend <b>Article II</b> , <u>General Provisions</u> , <b>Section 2.01</b> , <u>Establishment of Office of Animal Services Manager</u> , <b>Subsection (D)</b> , and <b>Section 2.06</b> , <u>Animal Services Center Advisory Board</u> , <b>Subsection (B)(2)</b> , relative to updating the reference to the Community Services Department.
<a href="#">07-095</a>	12/18/07	Amend <b>Article I</b> , <u>Definitions</u> , <b>Section 1.01</b> , <u>Definitions</u> , relative to the definitions of “Neuter,” “Spay,” “Sterilization,” “Veterinarian” and “Veterinary Officer”; amend <b>Article III</b> , <u>Dogs and</u>

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		<u>Cats, Section 3.05, Adoption of Dogs or Cats</u> , by the amendment of the title of Section 3.05 and the addition of Section 3.05(B), relative to the Veterinary Officer's vaccination and sterilization services and offenses for failure to sterilize; amend <b>Article VIII, Dangerous Animals, Section 8.05, Requirements for Owners of Dangerous Animals</b> , relative to fees.
<a href="#">09-065</a>	10/13/09	Amend <b>Article III, Dogs and Cats, Section 3.04, Fees</b> ; the deletion of <b>Section 3.05(A), Adoption of Dogs or Cats that is Effective Through February 29, 2008</b> ; and the renumbering, renaming and amendment of <b>Section 3.05(B), Adoption of Dogs or Cats that is Effective Beginning March 1, 2008</b> , relative to fees and updating the chapter.
<a href="#">10-067</a>	09/14/10	Amend <b>Article III, Dogs and Cats, Section 3.03, Impoundment of Dogs and Cats, Subsection (B)(3)</b> , relative to microchip identification; amend <b>Article VIII, Dangerous Animals, Section 8.05, Requirements for Owners of Dangerous Animals, Subsection (A)(8)</b> , relative to compliance re-inspection fees; and by the addition of <b>Section 8.14, Compliance Re-inspections</b> , relative to compliance re-inspection fees.
<a href="#">12-032</a>	05/01/12	Amend <b>Article I, Definitions, Section 1.01, Definitions</b> , relative to the addition of the definitions of "Abandon", "Animal establishment", and "Animal Services Manager", and the amendment of the definitions of "Administrator", "Appeals Officer," "Bodily Injury," "Dangerous animal," "Euthanize," "Force Vis Major" and "Harboring"; amend <b>Article II, General Provisions, Section 2.01, Establishment of Office of Animal Services Manager, Subsection (B); Section 2.03, Authority to Kill, Impound or Destroy Animals, Subsection (C); Section 2.04, Powers and Duties of Citizens; Section 2.07,</b>

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		<p><u>Nuisances</u>, relative to amending nuisance provisions; amend <b>Article III</b>, <u>Dogs and Cats</u>, <b>Section 3.02</b>, <u>Issuance of License</u>, <b>Subsection (A)</b>; <b>Section 3.03</b>, <u>Impoundment of Dogs and Cats</u>, <b>Subsection (B)</b>; <b>Section 3.04</b>, <u>Fees</u>, <b>Subsections (B)</b> and <b>(E)</b>; <b>Section 3.05</b>, <u>Adoption of Dogs or Cats</u>; relative to revising vaccination and licensing procedures, adoption and impoundment standards; amend <b>Article IV</b>, <u>Estrays and At Large</u>, <b>Section 4.10</b>, <u>Riding, Driving or Herding of Certain Animals</u>, <b>Subsection (B)</b>; <b>Section 4.11</b>, <u>Animal At Large</u>, <b>Subsection (B)</b>; <b>Section 4.12</b>, <u>Animal Impounded at Police Request</u>, <b>Subsection (A)</b>; <b>Section 4.14</b>, <u>Spay/Neuter of Animals</u>, <b>Subsection (C)</b>; amend <b>Article V</b>, <u>Sale and Breeding of Animals</u>, <b>Section 5.01</b>, <u>Sale and Care of Certain Animals</u>, revising requirements of the sale and breeding of animals; <b>Section 5.02</b>, <u>Keeping of Fowl</u>, <b>Subsection (A)</b>; <b>Section 5.04</b>, <u>Exceptions</u>; amend <b>Article VI</b>, <u>Rabies Control and Bite Procedures</u>, <b>Section 6.03</b>, <u>Quarantine</u>, <b>Subsections (C)</b> and <b>(D)</b>; <b>Section 6.04</b>, <u>Disposition or Release of Quarantined Animal</u>, <b>Subsection (B)</b>; <b>Section 6.05</b>, <u>Use and Sale of Rabies Vaccine</u>; revising veterinarian record disclosure requirements; amend <b>Article VII</b>, <u>Prohibited and Exotic Animals</u>, <b>Section 7.02</b>, <u>Ownership of Prohibited Animal</u>, <b>Subsections (B)</b> and <b>(C)</b>, regarding prohibited animals; amend <b>Article VIII</b>, <u>Dangerous Animals</u>, <b>Section 8.03</b>, <u>Dangerous Animal Determination</u>, <b>Subsection (B)(4)</b>; <b>Section 8.04</b>, <u>Hearing</u>, <b>Subsection (D)</b>; <b>Section 8.05</b>, <u>Requirements for Owners of Dangerous Animals</u>, <b>Subsections (A)</b> and <b>(G)</b>; <b>Section 8.06</b>, <u>Registration</u>; <b>Section 8.09</b>, <u>Defenses</u>; amending the dangerous animal determinations, standards, and procedures; <b>Section 8.11</b>, <u>Additional Penalties for Violation of this Section</u>, by the amendment of the title of the Section; amend <b>Article IX</b>, <u>Miscellaneous</u>, <b>Section 9.01</b>, <u>Disposal of Dead Animals</u>, <b>Subsection (A)(4)</b>;</p>

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		<p><b>Section 9.02</b>, <u>Traps</u>, amending trap provisions; <b>Section 9.05</b>, <u>Defecation - Removal and Disposal Required; Implements Required</u>, <b>Subsections (C)</b> and <b>(D)</b>, regarding affirmative defenses; <b>Section 9.06</b>, <u>Pigeons</u>, <b>Subsection (A)</b>, regarding a permit requirement for pigeons; <b>Section 9.07</b>, <u>Care and Humane Treatment of Animals</u>, referring to the standards of care and humane treatment of animals; by the addition of <b>Section 9.08</b>, <u>Tethering</u>, relative to regulations on tethering; amend <b>Article X</b>, <u>Administrative Hearings and Inquests</u>, amending the administrative hearing process and appeals to the Appeals Officer; amend <b>Article XI</b>, <u>Penalty</u>, revising the penalty provision.</p>

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**ARTICLE I**  
**DEFINITIONS**

**Section 1.01 Definitions**

Unless otherwise expressly stated, the following terms shall, for the purposes of this Chapter, have the meanings indicated in this Section:

**“Abandon”** means abandoning an animal owned by a person or in the person’s care, custody or control without effectively transferring the animal to another person or into that other person’s care, custody or control. (Amend Ord 12-032, 5/1/12)

**“Administrator”** shall mean the City Manager designated Directors or their designees that are responsible for enforcement of this chapter. (Amend Ord 12-032, 5/1/12)

**“Affidavit of ownership of estray”** means a document containing at least the following information:

1. The name and address of the owner;
2. The date the owner discovered that the animal was an estray;
3. The property from which the animal strayed; and
4. A description of the animal including its breed, its color, sex, age, size, all markings of any kind and any other identifying characteristics.

**“Affidavit of receipt of estray”** means a document containing at least the following information:

1. The name and address of person receiving the estray;
2. The date of receipt of estray;
3. The method of claim to estray (previous owner, purchaser at sale);
4. If purchased at sale, amount of gross purchase price;
5. Estray handling fees paid; and

# ANIMALS

## 1.01

### 6. Net proceeds of sale.

**“Animal”** shall mean any member of the kingdom Animalia, other than homo sapiens.

**“Animal establishment”** means any facility or business that has custody or control of animals including without limitation animal dealers, pet shops, pet grooming facilities, animal auction facilities and commercial kennels. This term does not include veterinary or animal medical facilities. (Amend Ord 12-032, 5/1/12)

**“Animal Services Manager”** means the supervisor of the Animal Services Division or his designee. (Amend Ord 12-032, 5/1/12)

**“Appeals Officer”** shall mean a municipal court judge or any person designated by the City Manager to conduct administrative hearings or hear appeals from administrative hearings. (Amend Ord 12-032, 5/1/12)

**“At large”** shall mean:

1. On Premises of Owner - Any animal not confined to the premises of the owner by some physical means of sufficient height, strength, length and/or manner of construction to preclude the animal from leaving the premises of the owner.
2. Off Premises of Owner - Any animal which is not physically and continually restrained by some person by means of a leash or chain of proper strength and length that precludes the animal from making any unsolicited contact with any person, their clothing, their property and/or their premises.
3. Provided, however, that any animal confined within a cage, automobile, truck or any other vehicle of its owner shall not be deemed at large.
4. Provided, however, that any dog lawfully allowed in an off-leash site as defined by the Parks Chapter of the Arlington Code of Ordinances shall not be deemed at large. (Amend Ord 03-100, 9/16/03)

**“Bodily injury”** shall mean physical pain, illness, or any impairment of physical condition that would cause a reasonably prudent person to seek medical treatment from a medical professional. The term also includes, but is not limited to, any bodily injury resulting from the victim attempting to escape or prevent contact with the injuring animal or animals. (Amend Ord 12-032, 5/1/12)

## ARTICLE I - 2

(Amend Ord 12-032, 5/1/12)

**“Cat”** shall mean *Felis catus*.

**“Common Pigeon”** means any pigeon not previously captured from the wild nor bred in captivity. (Amend Ord 02-109, 10/1/02)

**“Control”** shall mean leashed, penned, housed, held or sheltered in a closed structure. (Amend Ord 00-134, 11/28/00)

**“Court”** shall mean the Municipal Court of the City of Arlington, Tarrant County, Texas. (Amend Ord 00-134, 11/28/00)

**“Cow”** shall mean any domesticated bovine animal.

**“Dangerous animal”** shall mean 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 animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or
2. commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to that person. (Amend Ord 12-032, 5/1/12)

**“Deputy”** shall mean any animal services officer. (Amend Ord 02-109, 10/1/02)

**“Dog”** shall mean *Canis familiaris*.

**“Domestic animal”** shall mean dogs, cats, horses, cattle, swine, sheep, goats and llama.

**“Estray”** shall mean a stray domestic animal other than a dog or cat.

**“Estray book”** shall mean a book located in the office of the Animal Services Manager in which information on estrays is filed. (Amend Ord 02-109, 10/1/02)

**“Estray handling fees”** shall mean expenses incurred by a person or by the Animal Services Manager for the impounding, holding, selling or seeking the owner of an estray. (Amend Ord 02-109, 10/1/02)

## ANIMALS

### 1.01

**“Euthanize”** shall mean to cause the death of an animal by a method which:

1. Rapidly produces unconsciousness and death without visible evidence of pain or distress; or
2. Utilizes anesthesia produced by an agent which causes painless loss of consciousness, and death following such loss of consciousness; and
3. Complies with all applicable state and federal laws. (Amend Ord 12-032, 5/1/12)

**“Fancy Pigeon”** means any pigeon not included in the categories of “Racing Pigeon” or “Common Pigeon” and shall include but not be limited to such birds as commonly called Fantails, Pouters, Trumpeters. (Amend Ord 02-109, 10/1/02)

**“Force Majeure”** (Act of God) shall mean an immediate loss which is the result of an irresistible natural cause without the intervention of man, and could not have been prevented by the exercise of prudence, diligence and care. (Amend Ord 12-032, 5/1/12)

**“Force Vis Major”** (Act of God) shall mean an immediate loss which is the result of an irresistible natural cause without the intervention of man, and could not have been prevented by the exercise of prudence, diligence and care. (Amend Ord 94-77, 5/3/94)

**“Fowl”** shall mean Order Anseriformes (such as ducks, geese and swans); Order Galliformes (such as chickens, pea-fowl, turkey and guinea fowl) and other wild or domesticated Gallinaceous birds. (Amend Ord 02-109, 10/1/02)

**“Goat”** shall mean any domesticated caprine animal.

**“Habitation”** shall mean a building or structure that is used or designed to be used for the overnight accommodation of human beings and includes each separately secured or occupied portion of the structure and each structure or building connected with the structure.

**“Harboring”** shall mean the act of keeping and caring for an animal at any time or providing a premise to which the animal returns for food, shelter or care for a period of two (2) days or longer. (Amend Ord 12-032, 5/1/12)

**“He,” “His” and “Him”** are not intended to be gender-specific, but are used for convenience only, and refer to an individual of any gender. (Amend Ord 02-109, 10/1/02)

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(Amend Ord 12-032, 5/1/12)

**“Horse”** shall mean any domestic equine animal.

**“Hybrid”** shall mean an offspring of two animals of different breeds, species or genera. (Amend Ord 99-32, 3/16/99)

**“Impound”** shall mean to take into custody or to place in the Animal Services Center of the City or other authorized confinement area. (Amend Ord 02-109, 10/1/02)

**“Intact Animal”** shall mean an animal which is sold without a spay/neuter contract. (Amend Ord 94-77, 5/3/94)

**“Loft”** means the structure(s) for the keeping or housing of pigeons. (Amend Ord 02-109, 10/1/02)

**“Manager”** shall mean the Animal Services Manager or his designee. (Amend Ord 02-109, 10/1/02)

**“Mature Pigeon”** means a pigeon aged six months or older. (Amend Ord 02-109, 10/1/02)

**“Neuter”** shall mean the permanent sterilization to render male animals incapable of impregnating female animals by means of either surgery performed to remove the testicles or chemical sterilization by which the animals are injected with a drug approved by the United States Food and Drug Administration for that purpose. (Amend Ord 07-095, 12/18/07)

**“Notice of estray”** shall mean a document containing at least the following information:

1. The name and address of the person who notified the Animal Services Manager of the estray;
2. The location of the estray when found;
3. The location of the estray until disposition; and
4. A description of the estray including its breed, if known, its color, sex, age, size, all markings of any kind and any other identifying characteristics. (Amend Ord 02-109, 10/1/02)

**“Observation period”** shall mean the ten (10) days following a bite or scratch of a human by a mammal, during which the mammal's health status must be monitored.

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### 1.01

**“Owner”** shall mean any person or persons, firm, association, partnership or corporation, owning, keeping or harboring any animal or animals.

**“Pig”** shall mean any domesticated hog.

**“Pigeon”** means a member of the family Columbidae, and shall include but not be limited to “Racing Pigeons”, “Fancy Pigeons”, “Sporting Pigeons” and “Common Pigeons”. (Amend Ord 02-109, 10/1/02)

**“Potbellied pig”** shall mean that breed of miniature pig meeting the standards established by the North American Potbelly Pig Association (NAPPA).

**“Premises”** shall mean a tract of land and the buildings thereon.

**“Primary enclosure”** shall mean any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment or hutch.

**“Public auction”** shall mean an auction that is licensed by the United States Department of Agriculture.

**“Quarantine period”** shall mean that portion of the observation period during which a biting or scratching mammal is physically confined for observation.

**“Racing Pigeon”** means a pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted by the American Racing Pigeon Union, Inc., or the International Federation of Racing Pigeon Fanciers. Also, commonly known as Racing Homes, Homing Pigeon, or Carrier Pigeon. This category shall include any pigeon held, kept or used for the purpose of flying with the intent being that it shall return to the loft or place of keeping controlled by its owner. (Amend Ord 02-109, 10/1/02)

**“Secure enclosure”** shall mean a securely enclosed area or 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 an animal;

## ARTICLE I - 6

(Amend Ord 02-109, 10/1/02)

4. Clearly marked as containing a dangerous animal;
5. Enclosed by a secure top and sides with a solid bottom or constructed in such a manner which would prevent the animal from tunneling under the secure enclosure and escaping;
6. Protected from the elements adequately for the animal's humane care; and
7. In conformance with the requirements for enclosures established by the Animal Services Manager or by this chapter.

A structure such as a house, mobile home, apartment, travel trailer, or other habitation or similar structure is not a secure enclosure when any window is open, or when a screen window or a screen door or other penetrable barrier is the only obstacle preventing the animal from exiting the structure, or when any door or other opening used for entry or exit by persons or animals is accessible to the dangerous animal. (Amend Ord 02-109, 10/1/02)

**“Sheep”** shall mean any domesticated ovine animal.

**“Spay”** shall mean the permanent sterilization to prevent female animals from having estrus (heat) cycles and eliminating the ability to become pregnant by means of either surgery performed on an animal to remove the ovaries and uterus or chemical sterilization by which female animals are injected with a drug approved by the United States Food and Drug Administration for that purpose. (Amend Ord 07-095, 12/18/07)

**“Sporting Pigeon”** means any pigeon which has developed or is used, displayed or involved in conduct related to its distinctive nature such as aerial acrobatics or endurance flying and shall include but not be limited to Rollers and Tipplers. (Amend Ord 02-109, 10/1/02)

**“Sterilization”** means to spay or neuter a dog or cat. (Amend Ord 07-095, 12/18/07)

**“Support Dog”** means a dog that is specifically trained or equipped to help a disabled person. This shall include the following:

“Guide Dog” - A dog trained to assist a visually impaired person.

“Hearing Dog” - A dog trained to alert a hearing impaired person to certain sounds.

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### 1.01

“Service Dog” - A dog trained to assist a physically disabled person.

In addition, the dog must:

1. Be used by a disabled person who has satisfactorily completed a specific course of training in the use of the dog; and
2. Have been trained by a recognized organization involved in the rehabilitation of the disabled as reputable and competent to provide dogs with this type of training; and
3. Must carry an identification badge that identifies the agency that trained the dog. This badge must be attached to the dog at all times by means of a collar, harness or backpack. (Amend Ord 02-109, 10/1/02)

“**Unowned animal**” shall mean any animal for which an owner has not been identified.

“**Unreasonable odor**” shall mean the emission of a smell that is foul or offensive to a person of normal sensibilities. (Amend Ord 02-109, 10/1/02)

“**Vaccination**” shall mean an injection of a vaccine for rabies, approved by the State Veterinarian, and administered by a veterinarian licensed by the Texas Board of Veterinary Examiners.

“**Veterinarian**” means a doctor of veterinary medicine who holds a valid license to practice veterinary medicine in the State of Texas. (Amend Ord 07-095, 12/18/07)

“**Veterinary Officer**” shall mean the veterinarian officially designated by the Director. (Amend Ord 07-095, 12/18/07)

## ARTICLE II

### GENERAL PROVISIONS

#### **Section 2.01 Establishment of Office of Animal Services Manager**

- A. There shall be and is hereby created the office of Animal Services Manager for the City of Arlington.
- B. The Animal Services Manager or, if none, the City Manager or his designee shall act as the local rabies control authority for the purposes of Chapter 826 of the Texas Health and Safety Code. (Amend Ord 12-032, 5/1/12)
- C. The Animal Services Manager shall employ deputies to assist him in the carrying out of his duties.
- D. The Animal Services Manager and his deputies shall be assigned to the Community Services Department. (Amend Ord 06-080, 8/22/06)

#### **Section 2.02 Duties of Animal Services Manager**

It shall be the duty of the Animal Services Manager and his deputies to:

- A. Administer and enforce all laws and regulations of the State of Texas pertaining to animals which authorize the local health authority or Animal Services Officers to enforce the same; and
- B. Administer and enforce all ordinances pertaining to animals, including but not limited to those ordinances pertaining to animals found in the "Animals", "Health", "Nuisance", "Parks" and "Zoning" Chapters.

#### **Section 2.03 Authority to Kill, Impound or Destroy Animals**

In addition to the authority to kill, impound or euthanize animals as otherwise granted in this Chapter, the Animal Services Manager, his deputies and any peace officer are authorized to:

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### 2.03

- A. Kill an animal which poses an imminent danger to a person or property or a real or apparent immediate necessity exists for destruction of the animal;
- B. Impound an animal which is diseased or endangers the health of a person or another animal, or is at large.
- C. Euthanize an impounded animal at the Animal Services Center if the Manager or Veterinary Officer determines that recovery of the animal from injury, disease, or sickness is unlikely. (Amend Ord 12-032, 5/1/12)
- D. Kill any animal suspected of having rabies when such animal is found at large, after having made a reasonable, but unsuccessful effort to capture the animal.

### **Section 2.04 Powers and Duties of Citizens**

- A. Any citizen of the City of Arlington is hereby authorized to take control of and deliver to the office of the Animal Services Manager any animal that may be found running at large within the territorial limits of the City, other than prohibited animals or animals suspected of being rabid, subject to the applicable provisions of law.
- B. A person commits an offense if he takes control of an animal under this Section and fails to deliver it to the Animal Services Manager within seventy-two (72) hours. (Amend Ord 12-032, 5/1/12)

### **Section 2.05 Inspections**

The Animal Services Manager is hereby authorized to make inspections and secure warrants as set forth in the "Court" Chapter of the Code of the City of Arlington.

### **Section 2.06 Animal Services Center Advisory Board**

- A. As provided in Texas Health and Safety Code, Chapter 823, there is hereby created an Animal Services Center Advisory Board.
- B. The Board shall be composed of nine (9) members. The Mayor and each City Council member shall nominate a member with confirmation by majority vote of the City Council in accordance with the City of Arlington Boards and

## ARTICLE II - 2

(Amend Ord 12-032, 5/1/12)

- Commissions Policy Statement. Board membership shall be composed of the following:
1. A licensed veterinarian;
  2. A City official other than an employee of the department of Community Services; (Amend Ord 06-080, 8/22/06)
  3. Five (5) citizens at large;
  4. A person whose duties include the daily operation of an animal services center; and
  5. A representative from an animal welfare organization.
- C. Each Board member shall serve a two (2) year term.
- D. Board members shall serve at the will and pleasure of the City Council. (Amend Ord 04-041, 5/11/04)
- E. The City Council shall appoint a suitable person to serve out the unexpired term of any Board member whose place becomes vacant for any reason. Appointees shall serve until the City Council designates a replacement for their Board place.
- F. The Board shall meet at least once every three months at a time and place to be determined by the Chairperson of the Board.
- G. It shall be the duty of the Board to assist the Arlington Animal Services Center in maintaining compliance with the requirements of Texas Health and Safety Code, Chapter 823. (Amend Ord 03-043, 4/8/03)

**Section 2.07 Nuisances**

The following shall constitute public nuisances when caused, allowed, maintained or suffered to exist within the territorial limits of the City of Arlington:

- A. Any at large animal;
- B. Any dog or cat over four (4) months of age that is not currently licensed with the City of Arlington and currently vaccinated against rabies;

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### 2.07

- C. Any prohibited animal as defined in this Chapter; or
- D. Any dangerous animal as defined in this Chapter.
- E. Harboring, keeping, breeding or raising animals in or about any place or premises in such numbers or in such manner that the same may become annoying, offensive or disturbing to the adjacent residents of or those passing by such places or premises or which by reason of numbers create filth in or about such premises or premises adjacent thereto; or
- F. Harboring, breeding, keeping or raising any animal or bird which, by causing frequent or long-continued noise disturbs the peace and quiet of persons in the neighborhood or the occupants of adjacent premises who have and possess normal nervous sensibilities; or
- G. Harboring, breeding, keeping or raising any pigeon that is not currently permitted with the City of Arlington. (Amend Ord 12-032, 5/1/12)

**ARTICLE III**  
**DOGS AND CATS**

**Section 3.01 License and Vaccination Required**

- A. A person commits an offense if he owns any dog or cat over four (4) months of age without having such dog or cat currently vaccinated against rabies.
- B. A person commits an offense if he owns any dog or cat over four (4) months of age without having such dog or cat currently licensed with the City of Arlington.
- C. A person who owns a dog commits an offense if he fails to display on such dog both a current rabies vaccination tag furnished by a veterinarian and a current license tag furnished by the City of Arlington.
- D. A person who owns a dog or cat commits an offense if he displays on such dog or cat a rabies or license tag issued to another animal.
- E. Each animal in violation of this Section constitutes a separate offense.

**Section 3.02 Issuance of License**

- A. Written application for a dog or cat license and payment of the applicable license fee shall be made to the City. The application shall include:
  - 1. The name, telephone number and address of the applicant;
  - 2. A description of the animal, including name, breed, color, gender and age; and
  - 3. A currently valid rabies certificate issued by a licensed veterinarian showing that said dog or cat has been vaccinated within the preceding twelve (12) months. (Amend Ord 12-032, 5/1/12)
- B. The annual license fee shall be at an amount set by resolution of the City Council.
- C. Support dogs which are professionally and specifically trained to assist disabled owners shall be exempt from the license fee.

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### 3.02

- D. If not revoked, such license will be effective for a period of one (1) year from the date of vaccination for rabies.
- E. Upon acceptance of the license application, the Animal Services Manager shall issue the owner a metal license tag stamped with an identifying number for the dog or cat. The Animal Services Manager shall also issue the owner a license certificate which identifies the animal by age, gender, breed, color, name and owner, and which states the dates of issuance and expiration of the license.
- F. In the event a license tag or license certificate is lost, the owner may obtain a duplicate tag or certificate after paying the applicable fee. (Amend Ord 02-109, 10/1/02)

### **Section 3.03 Impoundment of Dogs and Cats**

- A. Any dog or cat may be impounded by the Animal Services Manager in any of the following circumstances:
  - 1. Any dog or cat running at large in the City of Arlington;
  - 2. Any dog not having affixed to and wearing on a collar or harness a valid City license tag and a tag furnished by a veterinarian showing that said dog is currently vaccinated against rabies; or
  - 3. Any dog or cat whose license has been revoked,
  - 4. A dog or cat that is suspected of having inflicted bodily injury on any human being or animal, or poses a threat to public safety; or
  - 5. A dog or cat that has rabies or symptoms thereof, or that a person could suspect as having rabies, or that bites, scratches or otherwise creates a condition which may have exposed or transmitted the rabies virus to any human being or animal.
- B. Disposition of Impounded Dogs and Cats.
  - 1. If any dog or cat impounded under this Section is not called for by the owner within seventy-two (72) hours after notification of the impoundment or within seventy-two (72) hours of impoundment where the

owner cannot be reasonably ascertained, the dog or cat shall be placed for adoption or euthanized.

2. If any dog or cat that is impounded by Animal Services, or brought to the Animal Services Center by a person other than the owner of that animal, and is wearing traceable identification; is readily observable as being sterilized or declawed in the best judgment of the Manager or his designee; or where an owner is known, such animal shall be held at the center for a minimum of seven (7) business days from the time the animal enters the Animal Services Center. Animal Services shall notify the owner, when known, of the impoundment. Unless the owner has notified Animal Services in writing of his intentions to claim the animal after that date, listing a date by which time that owner will reclaim the dog/cat and satisfy all applicable fees and this arrangement has been approved by the Animal Services Manager, the animal shall be placed for adoption or euthanized after the seventh (7th) business day.
3. The owner of any impounded dog or cat shall be permitted to repossess such dog or cat prior to disposition by the City upon the payment to the Animal Services Manager of the appropriate fees.
4. The owner of any impounded dog or cat, including those released from quarantine, shall have a microchip implanted in the animal by the Animal Services Manager prior to being permitted to repossess such dog or cat. There shall be a fee associated with the microchipping of all dogs and cases in an amount set by resolution of the City Council.
5. This subsection does not apply to any dog or cat placed in quarantine, that is the subject of a dangerous animal complaint, or whose license has been revoked. (Amend Ord 12-032, 5/1/12)

#### **Section 3.04 Fees**

- A. All of the fees and refunds described herein shall be set by resolution of the City Council.
- B. Impoundment Fees.
  1. A pound fee will be charged for the impoundment of all dogs and cats.

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### 3.04

2. The owner shall be required to purchase a spay-neuter coupon in addition to paying the impoundment fee. Said animal will be required to be spayed-neutered within thirty (30) days of receipt.
  3. An additional fee will be required for the second and subsequent impoundment of the same dog or cat within the preceding twelve (12) month period.
  4. The owner may request sterilization of any animal by Animal Services. There will be a fee associated with the requested sterilization of all dogs and cats in an amount set by resolution of the City Council. (Amend Ord 12-032, 5/1/12)
- C. License or Vaccination Fee. If license or vaccination of an impounded dog or cat is not current, the owner shall be required to pay for these items. The owner shall be given a receipt for the vaccination payment which can be redeemed by his veterinarian by submitting the receipt. Failure to obtain the vaccination within forty-eight (48) hours of reclaiming shall authorize impoundment.
- D. Boarding Fee. In addition to the above fee, if the dog or cat is not picked up within seventy-two (72) hours, an additional fee will be charged for each twenty-four (24) hour period thereafter.
- E. All necessary veterinary and drug costs incurred by the animal while it is in custody shall be charged to the owner. (Amend Ord 12-032, 5/1/12)

### **Section 3.05 Adoption of Dogs or Cats**

The Animal Services Manager shall be authorized to place for adoption dogs or cats impounded by the City under the following conditions:

- A. The Animal Services Manager or Veterinary Officer shall determine whether a dog or cat is healthy enough for adoption and its health and age adequate for vaccination. However, such decision by the Animal Services Manager or the Veterinary Officer shall not constitute a warranty of the health or age of the animal.
- B. After approval by the Administrator, the Animal Services Manager may place any animal that is suitable for adoption and is not placed for adoption through city facilities, to an approved private non-profit humane shelter or other non-profit

- animal welfare organization. The Animal Services Manager shall establish an agreement and uniform criteria for the placement of adoptable animals through these organizations and may make surplus adoptable animals available to those animal welfare organizations that meet the criteria. The criteria shall include requirements that animals be vaccinated and sterilized in accordance with applicable law and that the animals be licensed in the jurisdiction where they will be kept, in accordance with applicable law.
- C. There will be fees associated with the adoption of all dogs and cats in the amount set by resolution of the City Council. Fees may be reduced by the administrator for special events or for special groups such as senior citizens to encourage an increased rate of adoption.
- D. Requirements for Adoption of Dog or Cat Age Four (4) Months or Older.
1. Vaccination Fee.
    - a. In the event said adopted dog or cat age four (4) months or older is not vaccinated, a fee in an amount set by resolution of the City Council shall be paid for the Veterinary Officer to administer a rabies vaccination. The vaccination shall be administered at the time of adoption unless the Veterinary Officer determines it is not medically safe to vaccinate the dog or cat at the time of adoption. If it is determined by the Veterinary Officer that it is not medically safe to vaccinate, the adopting person shall sign a written agreement that the person will have the animal vaccinated by the Veterinary Officer in accordance with the written agreement. The written agreement will provide notice of the date and time for the person to return with the adopted dog or cat for vaccination. After vaccination, the Veterinarian Officer shall present a rabies vaccination certificate to the Animal Services Manager and the person who adopted the cat or dog.
    - b. A person commits an offense if after adopting a dog or cat four (4) months of age or older the person fails to obtain a rabies vaccination for such animal within three (3) days of the written agreement's noticed date and time of return.
    - c. It shall be presumed that the person failed to have the animal vaccinated if within three (3) days of the written agreement's noticed date and time of return the person has not presented proof

of the vaccination to the Animal Services Manager. Proof shall be in the form of a vaccination certificate that meets the minimum standards approved by the Texas Board of Health.

- d. The Animal Services Manager shall be authorized to reimpose any dog or cat adopted under this subsection if the vaccination is not obtained within the required time. In such case there shall be no refund of the adoption fee, and ownership of the animal shall revert to the City.
2. License Fee. In the event the adopted dog or cat age four (4) months or older is not licensed, the adopting person shall present to the Animal Services Manager the license fee authorized under this Article.
  3. Core Vaccine Fee.
    - a. In the event an adopted dog or cat age (6) weeks or older is not vaccinated against Canine Distemper (CDV), Infectious Canine Hepatitis (ICH), Canine Parvovirus (CPV), Canine Parainfluenza Virus, Feline Viral Rhinotracheitis (FVR), Feline Calicivirus (FCV), or Feline Panleukopenia (FPL), there will be a core vaccination fee at an amount set by resolution of the City Council.
    - b. Upon payment of the core vaccination fee, the dog or cat will be provided such service by the Animal Services Manager or Veterinary Officer.
  4. Microchip Fee.
    - a. In the event an adopted dog or cat does not have microchip identification there will be a microchip implantation at a fee in an amount set by resolution of the City Council.
    - b. Upon payment of the microchip fee, the dog or cat will be provided microchip implantation by the Animal Services Manager or Veterinary Officer.

5. Heartworm Antigen Test Fee
    - a. An adopted dog will be tested for heartworms. The heartworm antigen test fee shall be in the amount set by resolution of the City Council.
    - b. Upon payment of the heartworm antigen test fee, the adopted dog will be provided such service by the Animal Services Manager or Veterinary Officer.
  6. FeLV and FIV ELISA (Enzyme Linked-Immunosorbent Assay) Test Fee
    - a. An adopted cat will be tested for the Feline Leukemia Virus (FeLV) and the Feline Immunodeficiency Virus (FIV). The ELISA combination testing fee shall be in the amount set by resolution of the City Council.
    - b. Upon payment of the fee, the adopted cat will be provided such service by the Animal Services Manager or Veterinary Officer.
- E. Requirements for Adoption of a Dog or Cat Under Four (4) Months of Age.
1. Vaccination Fee.
    - a. In the event the dog or cat to be adopted is under four (4) months of age, the vaccination will not be required until the animal is at least three (3) months of age but no older than four (4) months of age. A fee in an amount set by resolution of the City Council shall be paid for the Veterinary Officer to administer the vaccination. The adopting person shall sign a written agreement that the person will have the animal vaccinated by the Veterinary Officer in accordance with the written agreement. The written agreement will provide notice of the date and time to return with the adopted dog or cat for vaccination. The noticed date of return will be specified by the Animal Services Manager and shall be on or near the date the Veterinary Officer determines that the animal is at least three (3) months of age but no older than four (4) months of age. After vaccination, the Veterinarian Officer shall present a rabies vaccination certificate to the Animal Services Manager and the person who adopted the cat or dog.

- b. A person who adopts a dog or cat under this subsection commits an offense if the person knowingly fails to obtain a rabies vaccination for such animal within three (3) days of the written agreement's noticed date and time of return.
- c. It shall be presumed that the person failed to have the animal vaccinated before it turned four (4) months of age if within three (3) days of the written agreement's noticed date and time of return he has not presented proof of the vaccination to the Animal Services Manager. Proof shall be in the form of a vaccination certificate that meets the minimum standards approved by the Texas Board of Health.
- d. The Animal Services Manager shall be authorized to reimpose the adopted dog or cat under this subsection if the vaccination is not obtained within the required age limits. In such case there shall be no refund of the adoption fee, and ownership of the animal shall revert to the City.

2. License Fee.

- a. On the date of return of a dog or cat, which was under four (4) months old when adopted, is vaccinated against rabies, the adopting person shall furnish to the Animal Services Manager the original adoption receipt and proof of vaccination to receive the City license.
- b. The adopting person shall pay the Animal Services Manager the license fee as authorized under this Article.

3. Core Vaccine Fee.

- a. In the event an adopted dog or cat age (6) weeks or older is not vaccinated against Canine Distemper (CDV), Infectious Canine Hepatitis (ICH), Canine Parvovirus (CPV), Canine Parainfluenza Virus, Feline Viral Rhinotracheitis (FVR), Feline Calicivirus (FCV), or Feline Panleukopenia (FPL) there will be a core vaccination fee at an amount set by resolution of the City Council.

- b. Upon payment of the core vaccination fee, the dog or cat will be provided such service by the Animal Services Manager or Veterinary Officer.
  - c. In the event the adopted dog or cat is under six (6) weeks of age, the adopting person shall be provided with notice of the date and time to return with the adopted dog or cat for the core vaccination. The date of return shall be on or near the adopted dog or cat reaching six (6) weeks of age.
4. Microchip Fee.
- a. In the event an adopted dog or cat does not have microchip identification there will be a microchip implantation at a fee at an amount set by resolution of the City Council.
  - b. Upon payment of the microchip fee, the dog or cat will be provided microchip implantation by the Animal Services Manager or Veterinary Officer.
5. Heartworm Antigen Test Fee
- a. An adopted dog will be tested for heartworms. The heartworm antigen test fee shall be in the amount set by resolution of the City Council.
  - b. Upon payment of the heartworm antigen test fee, the adopted dog will be provided such service by the Animal Services Manager or Veterinary Officer.
6. FeLV and FIV ELISA (Enzyme Linked-Immunosorbent Assay) Test Fee
- a. An adopted cat will be tested for the Feline Leukemia Virus (FeLV) and the Feline Immundeficiency Virus (FIV). The ELISA combination testing fee shall be in the amount set by resolution of the City Council.
  - b. Upon payment of the fee, the adopted cat will be provided such service by the Animal Services Manager or Veterinary Officer.

F. Sterilization by the Veterinary Officer

1. Written Agreement. A person adopting a dog or cat that has not been sterilized shall sign a written agreement that the person will have the animal sterilized by the Veterinary Officer in accordance with the terms of the written agreement. The Veterinary Officer shall provide services for the sterilization of an adopted animal in order to prevent reproduction in the animal. Each dog or cat adopted from Animal Services will be spayed or neutered prior to the release of the animal to the adopting person unless:
  - a. the dog or cat is under two (2) months of age;
  - b. the Veterinary Officer determines that the dog or cat should not be spayed or neutered for health reasons or the Veterinary Officer has determined the dog or cat has been previously spayed or neutered; or,
  - c. the adopting person has signed a written agreement that the person will have the animal sterilized by the Veterinary Officer in accordance with the written agreement, which will provide notice of the date and time for the person to return with the adopted dog or cat for sterilization. The noticed date of return will be specified by the Animal Services Manager and shall be on or near the date Animal Services Manager estimates to be the date the dog or cat becomes eight (8) weeks of age or as soon as medically safe.
2. Fee.
  - a. A person adopting an unsterilized animal shall pay the Animal Services Manager the sterilization fee in an amount set by resolution of the City Council.
3. Offense.
  - a. A person who signs a sterilization agreement commits an offense if he fails to have the animal sterilized on or before the sterilization completion date stated in the agreement.
  - b. The Animal Services Manager may extend the sterilization deadline upon presentation of a written report by the Veterinary Officer, stating that the life or health of the adopted animal may be

jeopardized by surgery. There is no limit to the number of extensions that may be granted under this subsection.

4. Confirmation of Sterilization.

- a. The Veterinary Officer shall present a letter of certificate to the Animal Services Manager verifying that the animal was sterilized.
- b. If an adopted animal dies on or before the sterilization completion date, the adopting person shall deliver to the Animal Services Manager a signed letter stating that the animal is dead. The letter shall be delivered not later than the seventh day after the date of the animal's death, and shall describe the cause of death if known and provide the date of death.
- c. If an adopted animal is lost or stolen before the sterilization date, the adopting person shall deliver to the Animal Services Manager a signed letter stating that the animal is lost or stolen. The letter shall be delivered not later than the seventh day after the date of the animal's disappearance and shall describe the circumstances surrounding the disappearance and the approximate date of disappearance. This letter shall be in lieu of the letter required above. In such case there shall be no refund of the adoption fee, and ownership of the animal shall revert to the City.

5. Prosecution.

- a. If the Animal Services Manager does not receive a letter under Subsection (F)(4) before the expiration of the seventh day after the sterilization completion date, he shall file a complaint against the adopting person in the Arlington Municipal Court.
- b. In a prosecution of a person for failing to sterilize an adopted animal by the sterilization completion date, it shall be presumed that the failure of such person to deliver to the Animal Services Manager a letter required by Subsection (F)(4) is the result of the person's refusal to have the adopted animal sterilized. The person may rebut this presumption at trial with the proof required by Subsection (F)(4).

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6. Reclamation of Animal. The Animal Services Manager may reclaim an adopted animal after the expiration of the seventh day after the sterilization completion date, if the Animal Services Manager has not received a letter as outlined in Subsection (F)(4). In such case there shall be no refund of the adoption fee, and ownership of the animal shall revert to the City. (Amend Ord 12-032, 5/1/12)

### **Section 3.06 Breeding of Dogs or Cats**

The owner of a female dog or cat in season commits an offense if he fails to confine such animal in an anti-escape house, building or enclosure constructed in such a manner that the animal cannot come into contact with another animal of the same species and opposite sex except for planned breeding.

## ARTICLE IV

### ESTRAYS AND AT LARGE

#### **Section 4.01 Estrays to be Impounded**

It shall be the duty of the Animal Services Manager in the absence of action by the County Sheriff's office, to take up any and all estrays that may be found in and upon any street, alley, or in or upon any unenclosed lot, or otherwise to be found at large, and to confine them for safe keeping. After impounding an estray, the Animal Services Manager shall prepare a notice of estray and file the notice in the estray book. (Amend Ord 02-109, 10/1/02)

#### **Section 4.02 Fees and Costs**

For each impounded estray, the owner shall pay the Animal Services Manager the following fees and costs. No estray shall be released to its owner before all fees and costs are paid:

- A. An impound fee of a sum set by resolution of the City Council;
- B. A boarding fee of a sum set by resolution of the City Council. Such fee shall be charged for each day the estray is in custody, excluding the date it is impounded; and
- C. All necessary veterinary and drug costs incurred by the animal while it is in custody. (Amend Ord 02-109, 10/1/02)

#### **Section 4.03 Advertisement**

When an estray has been impounded, the Animal Services Manager shall make a diligent search of the register of recorded brands in the County for the owner of the estray. If the search does not reveal the owner, the Animal Services Manager shall advertise the impoundment of the estray in a newspaper of general circulation in the County at least twice during the next fifteen (15) days and post a notice of the impoundment of the estray on the public notice board of the County Subcourthouse and City Hall. (Amend Ord 02-109, 10/1/02)

**Section 4.04 Recovery by Owner**

The owner of an estray may recover possession of the estray at any time before the estray is sold under the terms of this Article if:

- A. The owner has provided the Animal Services Manager with an affidavit of ownership of estray;
- B. The Animal Services Manager has approved the affidavit;
- C. The approved affidavit has been filed in the estray book;
- D. The owner has paid all estray handling fees to those entitled to receive them;
- E. The owner has executed an affidavit of receipt of estray and delivered it to the Animal Services Manager; and
- F. The Animal Services Manager has filed the affidavit of receipt of estray in the estray book. (Amend Ord 02-109, 10/1/02)

**Section 4.05 Sale of Estray**

- A. If the ownership of an estray is not determined within fourteen (14) days following the final advertisement required by this Article, title to the estray rests in the City. The Animal Services Manager shall cause the estray to be sold at a public auction. Title to the estray shall be deemed vested in the Animal Services Manager for purposes of passing good title, free and clear of all claims, to the purchasers at the sale.
- B. The purchasers of an estray at public auction shall take possession of the animal upon payment therefore.
- C. The Animal Services Manager shall receive the proceeds from the sale of the estray and do the following:
  - 1. Pay all estray handling fees to those entitled to receive them;
  - 2. Execute a report of sale of impounded stock; and
  - 3. Cause the report of sale of impounded stock to be filed in the estray book.

- D. The net proceeds remaining from the sale of an estray after estray handling fees have been paid shall be delivered by the Animal Services Manager to the City treasury. These net proceeds shall be subject to claim by the original owner of the estray as provided herein.
- E. If the bids are too low, the Animal Services Manager shall have the right to refuse all bids and arrange for another public auction or sealed bidding procedure. (Amend Ord 02-109, 10/1/02)

**Section 4.06 Use of Estray**

A person commits an offense if after impounding an estray he uses such estray for any purpose. (Amend Ord 02-109, 10/1/02)

**Section 4.07 Death or Escape of Estray**

- A. If an estray dies or escapes while in custody:
  - 1. The person who has custody shall report the death or escape to the Animal Services Manager;
  - 2. Such report shall be in the form of a sworn affidavit and filed with the Animal Services Manager; and
  - 3. The Animal Services Manager shall file the affidavit in the estray book.
- B. A person commits an offense if he fails to report a death or escape as required by this Section. (Amend Ord 02-109, 10/1/02)

**Section 4.08 Recovery by Owner of Proceeds Delivered to City Treasurer**

Within twelve (12) months after the sale of an estray under the provisions of this Article the original owner of the estray may recover the proceeds of the sale of the estray that were delivered by the Animal Services Manager to the City Treasurer if:

- A. The owner has provided the Animal Services Manager with an affidavit of ownership of estray;

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- B. The Animal Services Manager has approved the affidavit; and
- C. The approved affidavit has been filed in the estray book. (Amend Ord 02-109, 10/1/02)

**Section 4.09 Escheat of Sale Proceeds**

After the expiration of twelve (12) months from the sale of an estray as provided by this Article, the sale proceeds shall escheat to the City.

**Section 4.10 Riding, Driving or Herding of Certain Animals**

- A. A person commits an offense if he rides, herds or drives any horse, cow, sheep, goat, pig or llama:
  - 1. On a public sidewalk; or
  - 2. On any private or public property without the effective consent of the owner of such property.
- B. It is an affirmative defense to prosecution under this section that the person was a peace officer or animal services officer in the performance of his official duties; or the person was assisting a peace officer or animal services officer in the performance of his official duties. (Amend Ord 12-032, 5/1/12)

**Section 4.11 Animal At Large**

- A. A person commits an offense if he fails to keep an animal he owns from being at large.
- B. It is an affirmative defense to prosecution under this section that: (Amend Ord 12-032, 5/1/12)
  - 1. The animal was a police service animal under the supervision of a peace officer in the performance of his official duties; or
  - 2. The animal was a water fowl at a municipally owned facility.

- C. Each animal in violation of this Section constitutes a separate offense.

**Section 4.12 Animal Impounded at Police Request**

- A. Impounding. The Animal Services Manager shall impound an animal at the request of a peace officer when the owner of the animal has been arrested, hospitalized, evicted, is missing or has died, and there is no person present, sixteen (16) years of age or older, who will assume the duties of providing food, water and shelter for such animal. (Amend Ord 12-032, 5/1/12)
- B. Disposition of Animal - Owner's Residence Known
1. If the animal is not reclaimed by the tenth day after the date it is impounded, the Animal Services Manager shall give notice to the owner if the owner's residence is known to him and it is in Texas. The notice shall be in writing, sent by certified mail with return receipt requested, and shall include the amount of the accrued charges and a demand for payment.
  2. If the animal is not reclaimed and all accrued charges paid by the eleventh day after the date the notice is mailed, the Animal Services Manager shall send a second notice by certified mail, return receipt requested, to the owner. Such notice shall state that the animal will be euthanized, placed for adoption, or sold at public auction after the twentieth day after the date the second notice is sent.
- C. Disposition of Animal - Owner's Residence Unknown. If the animal is not reclaimed by the thirtieth day after the date it is impounded, and the owner's residence is not in Texas or the Animal Services Manager does not know where the owner's residence is, the Animal Services Manager may euthanize the animal, place the animal for adoption, or sell the animal at public auction without notice to the owner.
- D. The proceeds from the sale or adoption of an animal shall be applied against the accrued charges. If there are any excess proceeds, the funds shall be deposited into the animal services donation fund of the City of Arlington.
- E. The fees for impounding and boarding dogs and cats under this Section shall be the same as those set under the authority of Section 3.04. The fees for

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impounding all other domestic animals shall be the same as those set under the authority of Section 4.02.

- F. This Section shall not apply to at large animals or prohibited animals. (Amend Ord 02-109, 10/1/02)

### **Section 4.13 Wild Animals**

- A. It shall be the duty of the Animal Services Manager, in the absence of action by State or Federal agencies, to take up any and all wild animals that are diseased or which endanger the health of a person or other animal.
- B. The Animal Services Manager may at his discretion release a wild animal to a State agency, animal rehabilitation center, or an animal refuge. (Amend Ord 02-109, 10/1/02)

### **Section 4.14 Spay/Neuter of Animals**

- A. All animals within the City of Arlington are required to be spayed/neutered, unless they are under the control of an individual.
- B. All impounded animals are required to be spayed/neutered within thirty (30) days of release from impoundment.
- C. It is an affirmative defense to prosecution under subsection (B) above that the owner of the animal has provided proof to the satisfaction of the Animal Services Manager to establish that:
  - 1. The owner of the animal is a member of a club which is associated with a national registry, a national breed club, or a local all-breed club; and the owner does not sell twelve (12) or more intact animals per year. Proof may be provided in the form of a sworn affidavit from an officer, director, or person of similar managerial authority in the organization, indicating that the organization falls under the criteria of the affirmative defense in this subsection, and that the owner does not sell twelve (12) or more intact animals per year.
  - 2. The animal was at large and impounded due to force majeure.

3. The animal was at large and impounded due to fire, criminal or negligent acts of a third party who does not reside at the animal owner's residence. Additionally, verification of the incident must be presented to the Animal Services Manager in the form of a police or fire report, or the sworn testimony or affidavit of police or fire personnel. (Amend Ord 12-032, 5/1/12)

**ARTICLE V**

**SALE AND BREEDING OF ANIMALS**

**Section 5.01 Sale and Care of Certain Animals**

- A. A person commits an offense if he sells, offers for sale, gives as a prize, barter or displays any living chickens, ducks, goslings, rabbits or hamsters that have been artificially colored or any other fowl or animal which has been dyed, colored or otherwise treated so as to impart to them an artificial color.
- B. A person commits an offense if he sells, offers for sale, gives as a prize, or commercially displays any chick, duckling or gosling younger than four (4) weeks of age.
- C. A person commits an offense if he offers for sale or as a prize, or displays any chick, gosling or duck without providing such animal with a brooder or heating device as necessary to keep such animal in good health.
- D. A person commits an offense if he fails to provide any animal described in this Section with adequate food and water at all times.
- E. A person commits an offense if he sells or delivers live chickens, ducklings, goslings, or rabbits less than eight weeks of age to any person in quantities of less than five (5).
- F. A person commits an offense if a person gives away any live animal as a prize or inducement for the purposes of attracting trade or business. (Amend Ord 02-109, 10/1/02)
- G. A person commits an offense if a person sells, exchanges, trades, barter, leases, rents, gives away, or displays, without a valid permit, any live animal on any roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, flea market, or commercial or retail parking lot that is generally accessible by the public, regardless of whether such access is authorized.
- H. It is an affirmative defense to prosecution under subsection (G) that the person is an employee of or is acting in his or her capacity as an employee of: a veterinary clinic; an animal hospital; a business that has a certificate of occupancy from the building inspection division authorizing the occupancy of the premises for

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purposes of operating a business selling pets; an animal shelter; an animal welfare, rescue, or adoption agency that is a registered non-profit entity; a bona fide zoological park; an educational institution; a museum; an event being conducted primarily for the sale of agricultural livestock such as hoofed animals or animals or fowl commonly raised for food, dairy, or fiber products; a licensed laboratory; a publicly owned nature center; a bona fide member of an educational or scientific association or society approved by the Animal Services Manager; persons holding permits from an agency of the state or the United States for the care and keeping of animals for rehabilitative purposes; an animal establishment in compliance with the this Chapter; or a person caring for animals in his or her private residence in compliance with this Chapter.

- I. All Animal Establishments shall, in addition to the other requirements of this ordinance, comply with the minimum standards of applicable city ordinances and state and federal requirements.
- J. It shall be a violation for any business or person to sell, offer for sale, give away, offer to give away, or otherwise transfer ownership of any animal without first complying with all applicable city ordinances and state and federal regulations, unless such activity is authorized by some other section of this Chapter.
- K. It shall be a violation for any business or person to refuse, upon request, to make animal(s), premises, facilities, equipment, and any necessary registration(s) or permit(s) available for inspection during the establishment's regular business hours or at any other reasonable hour for the purpose of ascertaining compliance with this Chapter. (Amend Ord 12-032, 5/1/12)

### **Section 5.02 Keeping of Fowl**

A person commits an offense if he:

- A. Keeps or maintains more than four (4) fowl on one-half (1/2) acre or less or at a distance closer than fifty feet (50') from any habitation located on another's property. (Amend Ord 12-032, 5/1/12)
- B. Keeps or maintains more than ten (10) fowl on more than one-half (1/2) acre but less than one (1) acre at a distance closer than fifty feet (50') from any habitation located on another's property.

- C. Keeps or maintains twenty-five (25) fowl or more on one (1) acre or more at a distance closer than fifty feet (50') from any habitation located on another's property.
- D. Fails to keep any fowl of the Order Anseriformes from being at large; or
- E. Fails to keep any fowl of the Order Galliformes contained within a coop or pen.
- F. Keeps or maintains roosters except in an area zoned as agricultural. (Amend Ord 02-109, 10/1/02)

**Section 5.03 Livestock**

A person commits an offense if he:

- A. Keeps or stakes any horse, cow, sheep, goat or llama at a distance closer than one hundred feet (100') from any habitation located on another's property;
- B. Keeps or stakes any pig, except potbellied pigs, at a distance closer than five hundred feet (500') from any habitation located on another's property;
- C. Erects or maintains a structure, pen, corral or other enclosure for any horse, cow, sheep, goat or llama at a distance closer than one hundred feet (100') from any habitation located on another's property;
- D. Erects or maintains a structure, pen, corral or other enclosure for any pig, except potbellied pigs, at a distance closer than five hundred feet (500') from any habitation located on another's property;
- E. Keeps or stakes three (3) or more potbellied pigs at a distance closer than five hundred feet (500') from any habitation located on another's property;
- F. Erects or maintains a structure, pen, corral or other enclosure for three (3) or more potbellied pigs at a distance closer than five hundred feet (500') from any habitation located on another's property; or
- G. Keeps or stakes up to two (2) potbellied pigs at a distance closer than five hundred feet (500') from a habitation located on another person's property, when the animal's primary habitat is located outdoors. (Amend Ord 03-003, 1/7/03)

**Section 5.04 Affirmative Defenses.**

It is an affirmative defense to prosecution under Sections 5.02 and 5.03 that:  
(Amend Ord 12-032, 5/1/12)

- A. The animal or structure was at a veterinary clinic or hospital, pet store, feed store, farm store or any similar establishment properly zoned for keeping such animals;
- B. The structure, pen, corral or other enclosure was in existence at the time the premises on which it is located were annexed by the City of Arlington. However, if the ownership or primary use of the premises changes, this exception shall not apply; or
- C. The structure, pen, corral or other enclosure was in existence prior to the time a habitation was erected on another's property.

## ARTICLE VI

### RABIES CONTROL AND BITE PROCEDURES

#### Section 6.01 Definitions

The following words and terms when used in this Article shall have the following meanings unless the context clearly indicates otherwise:

1. Animal shall mean any live or dead mammal, domesticated or wild, excluding homo sapiens.
2. Bite or scratch shall mean a bite or scratch that breaks the skin and is capable of transmitting rabies.
3. High Risk Animal shall mean any animal that has a high probability of transmitting rabies (including foxes, bats, skunks, coyotes, and raccoons).
4. Low Risk Animal shall mean any animal that has a low probability of transmitting rabies (including animals of the orders Marsupialia, Insectivora, Rodentia, Lagomorpha and Xenarthra). (Amend Ord 02-109, 10/1/02)

#### Section 6.02 Report of Rabies

- A. A person commits an offense if he has knowledge of an animal bite or scratch of a human and fails to report said bite or scratch to the Animal Services Manager within twenty-four (24) hours from the time of the incident.
- B. A person commits an offense if he knows of an animal that he suspects is rabid and fails to report such animal to the Animal Services Manager.
- C. A report shall be written or oral and include if known, the name and address of the victim and of the animal's owner, and any information which could lead to locating the victim, the animal, and the animal's owner.
- D. The Animal Services Manager shall investigate all reports made under this Section. (Amend Ord 02-109, 10/1/02)

**Section 6.03 Quarantine**

- A. The owner of an animal that has bitten or scratched a human commits an offense if he fails to submit the animal to the Manager for quarantine immediately upon notification by the Manager of a biting or scratching incident.
- B. The owner of an animal that is suspected of being rabid commits an offense if he fails to submit the animal to the Manager for quarantine immediately when ordered by the Manager to do so.
- C. The Animal Services Manager shall follow these procedures for quarantining and testing:
  - 1. When a dog or cat has bitten or scratched a human, the dog or cat shall be placed in quarantine, in a facility specified by the Animal Services Manager and approved by the Texas Department of Health.
  - 2. Upon the request of the owner of a dog or cat which has bitten or scratched a human, and at the sole discretion of the Animal Services Manager, the Animal Services Manager may permit home quarantine for the animal if the following criteria can be met:
    - a. The animal was currently vaccinated against rabies at the time of the bite or scratch;
    - b. The animal was currently licensed with the City of Arlington at the time of the bite or scratch;
    - c. The animal was not at large at the time of the bite or scratch;
    - d. The animal's owner has secure facilities at his home for the animal which have been approved by the Animal Services Manager;
    - e. The Animal Services Manager or a licensed veterinarian must observe the animal on at least the first and eighth days of the quarantine period;
    - f. If the animal becomes ill during the observation period, the person with possession of the animal must notify the Animal Services Manager;

- g. The owner must sign an agreement to abide by the quarantine rules; and
  - h. At the end of the quarantine period, the animal shall be observed by a licensed veterinarian and the veterinarian will generate a letter authorizing the release of the animal from quarantine.
3. If the Animal Services Manager is in possession of a dog or cat which has bitten or scratched a human, and such animal is designated as unowned, the Animal Services Manager may cause such animal to be euthanized, and shall submit the animal's brain to a Texas Department of Health certified laboratory for rabies diagnosis.
  4. If the animal which has bitten or scratched a human is a high risk animal, the Animal Services Manager shall cause such animal to be euthanized, and shall submit the animal's brain to a Texas Department of Health certified laboratory for rabies diagnosis.
  5. If the animal which has bitten or scratched a human is a low risk animal, the Animal Services Manager shall cause the animal to be euthanized, and shall submit its brain for rabies diagnosis by a Texas Department of Health certified laboratory if the Animal Services Manager has cause to believe the animal is rabid. If the Animal Services Manager has no cause to believe the animal is rabid, then neither quarantining nor testing will be required.
  6. If the animal, including a dog or cat, which has bitten or scratched a human inflicted multiple bite wounds, lacerations or punctures to a person, the Animal Services Manager may cause the animal to be euthanized, and shall submit the animal's brain to a Texas Department of Health certified laboratory for rabies diagnosis.
  7. If the animal which has bitten or scratched a human is not included in (1), (2), (3), (4), (5), or (6) of this subsection, the Animal Services Manager shall cause the animal to be euthanized, and shall submit the animal's brain to a Texas Department of Health certified laboratory for rabies diagnosis.
  8. The Animal Services Manager shall cause to be euthanized any animal required to be quarantined under this subsection which cannot be maintained in a secure quarantine, and shall submit the animal's brain to a Texas Department of Health certified laboratory for rabies diagnosis.

9. The Animal Services Manager shall follow the rules promulgated by the Texas Department of Health when submitting an animal brain for testing.
  10. The Animal Services Manager may euthanize an unowned animal prior to the end of the quarantine, and have the brain tested for rabies.
  11. All quarantined animals shall be separated from all other animals in such a manner that there is no possibility of physical contact between animals. (Amend Ord 12-032, 5/1/12)
- D. The owner of an animal under home quarantine commits an offense if he fails to comply with any requirement contained in the home quarantine agreement. In such case, the animal may be removed to a quarantine facility at the sole discretion of the Animal Services Manager for the remainder of the quarantine, at the owner's expense. (Amend Ord 12-032, 5/1/12)

**Section 6.04 Disposition or Release of Quarantined Animal**

- A. At the conclusion of the quarantine, the Animal Services Manager shall release the quarantined animal to its owner if a veterinarian has determined that a quarantined animal shows no clinical signs of rabies, and
1. If the owner presents an unexpired rabies vaccination certificate for the animal to the Animal Services Manager; or
  2. If the animal is vaccinated against rabies by a licensed veterinarian at the owner's expense, and the owner presents a rabies vaccination certificate for the animal to the Animal Services Manager; and
  3. If the animal is not the subject of a dangerous animal complaint.
- B. The Animal Services Manager shall humanely euthanize any animal that displays, to a veterinarian, the clinical signs of rabies while in quarantine. (Amend Ord 12-032, 5/1/12)
- C. If an animal dies, is killed or euthanized while in quarantine, the Animal Services Manager shall submit the head or brain of the animal to a Texas Department of Health certified laboratory for rabies diagnosis.

- D. The owner of a quarantined animal shall pay to the Animal Services Manager all costs of quarantine and disposition of the animal, by fee set by resolution of the Council. No quarantined animal shall be released until all fees have been paid.
- E. If the owner of an animal fails to take possession of the animal before the fourth day following the final day of the quarantine period, the Animal Services Manager shall at his option place the animal for adoption or cause it to be euthanized. (Amend Ord 02-109, 10/1/02)

**Section 6.05 Use and Sale of Rabies Vaccine**

- A. Rabies vaccine for animals shall be administered only by or under the direct supervision of a veterinarian.
- B. A veterinarian shall not administer or directly supervise the administration of rabies vaccine in this State unless he is:
  - 1. Licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine; or
  - 2. Practicing veterinary medicine on an installation of the armed forces or National Guard.
- C. A person commits an offense if he administers or attempts to administer rabies vaccine in a manner not authorized by this Section.
- D. A person commits an offense if he dispenses or attempts to dispense rabies vaccine in a manner not authorized by this Section.
- E. A person commits an offense if he sells or distributes rabies vaccine for animals to any person except a licensed veterinarian or to a person working in a veterinarian clinic who accepts the vaccine on behalf of the veterinarian.
- F. Every veterinarian whose office or place of business is located within the City shall issue to the owner of the animal a current rabies tag and a certificate of vaccination as required by law, and may send a copy of the certificate of vaccination to Animal Services, in accordance with chapter 826 of the Texas Health and Safety Code and chapter 801 of the Texas Occupations Code. (Amend Ord 12-032, 5/1/12)

**Section 6.06 Animal Exposed to Rabies**

- A. The owner of an animal which has been bitten by a rabid animal or exposed by physical contact to its fresh tissues commits an offense if he fails to report such bite or exposure to the Animal Services Manager within twenty-four hours of the incident.
- B. The owner of an animal which has been bitten by a rabid animal or exposed by physical contact to its fresh tissues commits an offense if he fails to submit his animal to the Animal Services Manager for quarantine or euthanization immediately when requested to do so by the Animal Services Manager.
- C. If the animal which has been bitten or exposed has not been vaccinated against rabies and is an animal for which an approved vaccine exists, the Animal Services Manager:
  - 1. Shall cause such animal to be euthanized; or
  - 2. Shall, if sufficient justification for preserving the animal exists, cause the animal to be immediately vaccinated against rabies, placed in strict isolation for ninety (90) days, and given booster vaccinations during the third and eighth weeks of isolation. If the animal is under three (3) months of age at the time of the second vaccination, an additional booster shall be given when the animal reaches three (3) months of age.
- D. If the animal which has been bitten or exposed was currently vaccinated against rabies at the time of the bite or exposure, and is an animal for which an approved vaccine exists, the Animal Services Manager:
  - 1. Shall cause such animal to be euthanized; or
  - 2. Shall, if sufficient justification for preserving the animal exists, cause the animal to be given an immediate booster rabies vaccination and placed in strict isolation for forty-five (45) days.
- E. If the animal which has been bitten or exposed is an animal for which no approved rabies vaccine exists, the Animal Services Manager shall cause such animal to be euthanized.

- F. The procedures for disposition or release of the animal following isolation shall be the same as those for disposition of an animal following quarantine set forth in Section 6.04 of this Article. (Amend Ord 02-109, 10/1/02)

**ARTICLE VII**  
**PROHIBITED AND EXOTIC ANIMALS**

**Section 7.01 Definition of Prohibited Animals**

Prohibited animal shall mean:

A. Class Mammalia:

1. Order Carnivora:

- a. Family Mustelidae (such as weasels, skunks, otters, badgers, mink and martens) EXCEPT ferrets;
- b. Family Procyonidae (such as raccoons and coati);
- c. Family Ursidae (bears);
- d. Family Felidae (such as bobcats, lions, tigers, ocelots, cougars, leopards, cheetahs, jaguars, lynxs, servals, caracals), EXCEPT domestic cats;
- e. Family Canidae ( such as coyotes, foxes and jackals); EXCEPT domestic dogs; and
- f. Family Hyaenidae (hyenas).

2. Order Primate:

- a. Family Cercopithecidae (such as baboons); and
- b. Family Hominidae (such as chimpanzees, gorillas, orangutans);

B. Class Reptilia:

1. Family Helodermatidae (venomous lizards);
2. Family Hydrophiidae (venomous marine snakes);

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3. Family Crotalidae (rattlesnakes, fer-de-lance, water moccasins, copperheads);
  4. Family Viperidae (Old World Vipers);
  5. Family Elapidae (coral snakes, cobras and mambas);
  6. Family Colubridae:
    - a. Dispholidus typus (boomslang);
    - b. Cyclagras gigas (false water cobra);
    - c. Boiga dendrophila (mangrove snake); and
    - d. Thelotornis kirtlandii (bird snake); and
  7. Order Crocodilia (crocodiles, alligators and gavials);
  8. Family Chelydridae:
    - a. Macrolemys temmincki (alligator snapping turtle); and
    - b. Chelydra serpentina (common snapping turtle).
- C. Class Amphibia:
- Family Dendrobatidae: Phyllobates terribilis; and
- D. Any hybrid of an animal listed in this Section.
- E. All parenthetical references in this Section are presented merely as examples, and shall not be deemed as a limitation of the class, order, family, subfamily, genus or species described. (Amend Ord 02-109, 10/1/02)

**Section 7.02 Ownership of Prohibited Animal**

- A. Definitions.

- Being transported shall mean the act of being conveyed within a vehicle upon a public street.
- B. A person commits an offense if he owns, transports, possesses, controls, permits, allows or harbors a prohibited animal. (Amend Ord 12-032, 5/1/12)
- C. It is an affirmative defense to prosecution that:
1. The person is or is acting on behalf of:
    - a. A county, municipality, or agency of the state or an agency of the United States or an agent or official of a county, municipality, or agency acting in an official capacity;
    - b. A research facility, as that term is defined by Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its subsequent amendments, that is licensed by the secretary of agriculture of the United States under that Act; or
    - c. An organization that is an accredited member of the American Zoo and Aquarium Association.
  2. The prohibited animal is:
    - a. injured, infirm, orphaned, or abandoned, and is being transported for care or treatment;
    - b. injured, infirm, orphaned, or abandoned, and is being rehabilitated, treated, or cared for by a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under Subchapter C, Chapter 43, Parks and Wildlife Code;
    - c. owned by and in the custody and control of a licensed circus, carnival, or zoo, acting in compliance with all city ordinances including but not limited to, the Zoning Chapter of the City Code of Ordinances;
    - d. in the temporary custody or control of a television or motion picture production company during the filming of a television or motion picture production in this state;

- e. owned by and in the possession, custody, or control of a college or university solely as a mascot for the college or university;
- f. being transported in interstate commerce through the state in compliance with the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments and the regulations adopted under that Act;
- g. a nonhuman primate owned by and in the control and custody of a person whose only business is supplying nonhuman primates directly and exclusively to biomedical research facilities and who holds a Class "A" or Class "B" dealer's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments; or
- h. owned by or in the possession, control, or custody of a person who is a participant in a species survival plan of the American Zoo and Aquarium Association for that species, and is an integral part of that species survival plan. (Amend Ord 12-032, 5/1/12)

**Section 7.03 Impoundment of Prohibited Animals**

- A. The Animal Services Manager shall immediately impound all prohibited animals found in violation of this Chapter, and place them in the Animal Services Center or other suitable facility.
- B. Any person owning a prohibited animal shall submit it to the Animal Services Manager immediately upon his request.
- C. A person commits an offense if he fails to submit a prohibited animal to the Animal Services Manager after having been ordered by the Animal Services Manager to do so.
- D. An order under this Section shall be in writing, signed by the Animal Services Manager and served in person by the Animal Services Manager or a peace officer upon the owner of the prohibited animal. (Amend Ord 02-109, 10/1/02)

**Section 7.04 Maintenance and Disposition of Prohibited Animal**

- A. The Animal Services Manager shall maintain any prohibited animal impounded under this Chapter for five (5) days, except:
1. If the owner of a prohibited animal signs an agreement abandoning all rights, claims or title to the animal; or
  2. If the owner of a prohibited animal requests a hearing (in which case the Animal Services Manager shall maintain the animal until the owner has exhausted his administrative remedies).
- B. Upon the signing of the agreement in (A)(1) of this Section, or upon the exhausting of administrative remedies in (A)(2) of this Section, the Animal Services Manager shall either euthanize the animal or shall sell or donate it to a suitable zoo, wildlife refuge, or other institution.
- C. The owner of a prohibited animal impounded under this Article shall be responsible for all reasonable costs associated with the impoundment, boarding, medical care and disposition of the animal, unless, after hearing it is determined that the animal was not a prohibited animal or was an exception to prohibited animals. Such fees shall be of a sum set by resolution of the City Council. (Amend Ord 02-109, 10/1/02)

**Section 7.05 Definition of Exotic Animals**

Exotic animal shall mean:

- A. Class Mammalia:
1. Order Marsupialia: Subfamily Macropodinae (wallabies, kangaroos, padmelons and wallaroos);
  2. Order Perissodactyla:
    - a. Family Tapiridae (tapirs);
    - b. Family Equidae (zebra, wild asses and wild horses) except domestic equine;

- c. Family Rhinocerotidae (rhinoceros);
3. Order Artiodactyla (such as hippopotamus, camels, giraffes, bison, antelope and deer) except domestic goats, oxen, sheep, cattle, pigs and llama;
4. Order Chiroptera (bats);
5. Family Ailuridae (Pandas and lesser pandas);
6. Family Viverridae (such as civets, mongoose and binturongs);
7. Family Protelidae (aardwolves);
8. Order Proboscidea (elephants);
9. Order Primates:
  - a. Family Cebidae:
    - (1) Genus Cebus (Capuchin monkeys);
    - (2) Genus Ateles (Spider monkeys);
    - (3) Genus Brachyteles (Wooly Spider monkeys);
  - b. Family Callimiconidae: Genus Callimico (Goeldi's monkey);
  - c. Family Callithricidae:
    - (1) Genus Callithrix (marmoset);
    - (2) Genus Leontideus (maned tamarin);
    - (3) Genus Saguinus (tamarins);
    - (4) Genus Oedipomidas (crested bare-faced tamarin);

- B. Class Aves:
1. Order Rheiformes (such as the rhea);
  2. Order Struthioniformes (such as the ostrich);
  3. Order Casuariiformes (such as the emu); and
- C. Any hybrid of an animal listed in this Section;
- D. All parenthetical references in this section are presented merely as examples, and shall not be deemed as a limitation of the class, order, family, subfamily, genus or species described. (Amend Ord 02-109, 10/1/02)

**Section 7.06 Application of Other Laws**

The requirements in this Chapter regarding exotic animals shall be in addition to Federal laws and regulations, and Texas laws and regulations governing ownership of these animals.

**Section 7.07 Primary Enclosures**

A person commits an offense if he harbors or maintains an exotic animal unless the animal is confined to a primary enclosure which meets the following minimum construction specifications:

- A. Orders Rheiformes, Struthioniformes, and Casuariiformes: A fence of not less than six feet (6') in height, constructed of not less than eleven and one-half (11½) gauge chain link fence or its strength equivalent.
- B. Family Ailuridae: a cage of not less than nine (9) gauge chain link or its strength equivalent.
- C. Families Protelidae and Viverridae: A cage of not less than eleven and one-half (11½) gauge chain link or its strength equivalent.
- D. Order Primates:

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1. Gibbons, monkeys and other primates: a cage consisting of not less than nine (9) gauge chain link or its strength equivalent.
- E. Elephants, rhinoceros and hippopotamus: a cage of steel bars, masonry block, or its strength equivalent.
- F. Order Marsupialia: a cage consisting of not less than eleven and one-half (11½) gauge chain link or its strength equivalent.
- G. Order Perissodactyla (except rhinoceros) and Order Artiodactyla (except hippopotamus): a fence of not less than eight feet (8') in height, constructed of not less than nine (9) gauge chain link or its strength equivalent.
- H. Order Chiroptera (bats): a cage with no openings that will allow passage of a sphere larger than three-eighths inch (3/8"), excluding the door. Any door to such a cage shall have no openings which will allow passage of a sphere greater than three-eighths inch (3/8"), and shall be kept secured when not in use.
- I. All cages and fences constructed of chain link shall be well braced and securely anchored at ground level and shall utilize metal corners, clamps, ties and braces of equivalent strength to other materials prescribed for cage construction for that order, family or species.
- J. Frames for cages and fences, including corners, braces, top and bottom rails, shall be securely bolted or welded to provide maximum strength.
- K. Cages and fences shall be sufficiently strong to prevent escape.
- L. Cages and fences shall be equipped with locks and locking mechanism to prevent opening by unauthorized persons.
- M. All cages shall be covered at the top to prevent escape. In lieu of this requirement, facilities provided for rhinoceros, elephants, and hippopotami may be constructed at sufficient height and in such a manner to prevent escape. (Amend Ord 02-109, 10/1/02)

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(Amend Ord 02-109, 10/1/02)

**Section 7.08 Transportation of Exotic Animals**

A person commits an offense if he transports an exotic animal unless such animal is transported in a cage which meets the minimum construction and strength requirements for primary holding facilities as required in Section 7.07.

**Section 7.09 Distance Requirements**

- A. A person commits an offense if with criminal negligence he houses, maintains, keeps or stakes an exotic animal at a distance closer than five hundred feet (500') from any habitation located on another's property.
- B. Bats shall be exempt from this distance requirement. (Amend Ord 02-109, 10/1/02)

**Section 7.10 Impoundment of Exotic Animals**

- A. The Animal Services Manager shall immediately impound all exotic animals that are at large or that are being maintained, harbored or transported in violation of this Article, and place them in the Animal Services Center or other suitable facility.
- B. A person maintaining, harboring or transporting an exotic animal in violation of this Chapter shall submit it to the Animal Services Manager immediately upon his request.
- C. A person commits an offense if he fails to submit an exotic animal to the Animal Services Manager after having been ordered by the Animal Services Manager to do so.
- D. An order under this Section shall be in writing, signed by the Animal Services Manager and served in person by the Animal Services Manager or a peace officer upon the owner of the prohibited animal. (Amend Ord 02-109, 10/1/02)

**Section 7.11 Maintenance and Disposition of Exotic Animal**

- A. The Animal Services Manager shall maintain any exotic animal impounded under this Chapter for five (5) days, except:

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1. If the owner of a exotic animal signs an agreement abandoning all rights, claims or title to the animal; or
  2. If the owner of a exotic animal requests a hearing (in which case the Animal Services Manager shall maintain the animal until the owner has exhausted his administrative remedies).
- B. Upon the signing of the agreement in (A)(1) of this Section, or upon the exhausting of administrative remedies in (A)(2) of this Section, the Animal Services Manager shall either euthanize the animal or shall sell or donate it to a suitable zoo, wildlife refuge, or other institution.
- C. The owner of an exotic animal impounded under this Article shall be responsible for all reasonable costs associated with the impoundment, boarding, medical care and disposition of the animal, unless, after hearing, it is determined that the animal was not in violation of this Article. Such fees shall be set by resolution of the City Council. (Amend Ord 02-109, 10/1/02)

**ARTICLE VIII**  
**DANGEROUS ANIMALS**

**Section 8.01 Knowledge of Dangerous Animal**

For purposes of this article, a person learns he is the owner of a dangerous animal when:

- A. The owner knows of an attack described in the Section 1.01 definition of “dangerous animal;” or
- B. The owner is notified by the Animal Services Manager that the animal is a dangerous animal; or
- C. The owner is notified by the Court that the dog is a dangerous dog; or
- D. The owner is notified by the Court that, after appeal, the Court has upheld the Animal Services Manager's determination that the animal is a dangerous animal. (Amend Ord 02-109, 10/1/02)

**Section 8.02 Dangerous Animal Report**

- A. The Animal Services Manager may receive a report concerning a dangerous animal. Such report and supporting witness statements shall be in writing and sworn to on a form prescribed by the Animal Services Manager.
- B. The Animal Services Manager shall investigate all reports filed under this section and may issue sworn reports based on the Animal Services Manager's investigation or observation. (Amend Ord 02-109, 10/1/02)

**Section 8.03 Dangerous Animal Determination**

The Arlington Municipal Court may determine that a dog is a dangerous dog under Section 8.03(A). The Animal Services Manager may declare that an animal, including a dog, is a dangerous animal under Section 8.03(B). Regarding a dangerous dog incident, the Animal Services Manager has discretion to proceed under either Section 8.03(A) or 8.03(B).

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#### A. Municipal Court:

1. The Arlington Municipal Court may determine that a dog is a dangerous dog in compliance with Texas Health and Safety Code, Section 822.0422. The Animal Services Manager may file a sworn report describing a dangerous dog incident with the Court. The sworn report shall present probable cause that the dog described in the report committed an attack described in Section 1.01, "Dangerous Animal."
2. The Animal Services Manager shall furnish written notice to the owner of the animal, as identified in the complaint, to inform the owner that a dangerous dog report has been filed with the Court. The notice to the owner shall require the owner to deliver the animal immediately to the Animal Services Manager upon receiving the notice, provided that the Animal Services Manager may, in his discretion, accept proof that the animal is impounded with a licensed veterinarian according to the terms of Section 8.13(B). The notice to the owner shall have attached to it a copy of this Article. The notice to the owner shall also contain a statement that the owner will be notified by the Court of the date and time for the hearing.
3. Notice to the owner by the Animal Services Manager shall be provided as required by Section 8.03(B)(3).
4. If the owner fails to deliver the dog as required by Subsection (B)(2), the Court shall order the Animal Services Manager to seize the dog and shall issue a warrant authorizing the seizure. The Animal Services Manager shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions at the owner's expense until the Court orders the disposition of the dog. The Court shall determine, after notice and hearing as provided in Section 8.04, whether the dog is a dangerous dog.

#### B. Animal Services Manager:

1. The Animal Services Manager may determine that an animal is a dangerous animal after investigation of a dangerous animal incident. The Animal Services Manager shall furnish written notice to the owner of the animal as identified in the complaint to inform the owner that a dangerous animal report has been received. The owner will have five (5) calendar days from the date the owner is notified to provide the Animal Services

Manager information regarding the report. The Animal Services Manager may consider additional information from other sources in the course of the investigation.

2. If, after investigating a dangerous animal report, the Animal Services Manager finds that the animal is a dangerous animal, the Animal Services Manager shall provide notice to the owner of that fact. The notice to the owner shall also contain a statement that the owner has a right to appeal and shall have attached to it a copy of this article.
3. Notice to the owner shall be mailed certified mail, return receipt requested, to the owner's last known mailing address, or delivered in person by the Animal Services Manager. If the notice is mailed to the owner and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered. If the notice is given by mail, the date of notice is the date of delivery. If the date of delivery is not known, then notice given by mail is deemed to be delivered three (3) days after the date it is placed in a mail receptacle of the United States Postal Service. Notice that is delivered in person is deemed received on the date of in-hand delivery or on the date that the notice is left firmly affixed on or near the front door of each building on the property at the owner's address.
4. An owner, not later than fifteen (15) calendar days after the date the owner is notified that an animal owned by him is a dangerous animal, may appeal the determination of the Animal Services Manager to the Arlington Municipal Court or as otherwise allowed by law. An owner may appeal the decision of the Municipal Court as allowed by law. (Amend Ord 12-032, 5/1/12)

#### **Section 8.04 Hearing**

- A. After the Court receives a sworn report of an incident involving a dangerous dog under Section 8.03(A)(1) or a report of a dangerous animal owner's non-compliance with requirements under Section 8.05, the Court shall set a time for a hearing to determine whether the dog is a dangerous dog or whether the owner of a dangerous animal has not complied with the requirements of Section 8.05. The hearing must be held not later than ten (10) calendar days after the date on which the dog or animal is seized or delivered.

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- B. The Court shall give written notice of the time and place of the hearing to:
1. The owner of the dog or the person from whom the dog was seized; and
  2. The person who made the report; and
  3. The Animal Services Manager.
- C. Any interested party, including the city attorney, is entitled to present evidence at the hearing.
- D. An owner or the person who made the report may appeal the decision of the Municipal Court as allowed by law. (Amend Ord 12-032, 5/1/12)

### **Section 8.05 Requirements for Owners of Dangerous Animals**

- A. Not later than fifteen (15) calendar days after a person learns that he is the owner of a dangerous animal, the owner shall:
1. Register the dangerous animal with the Animal Services Manager and maintain current registration at all times;
  2. Restrain the animal in a secure enclosure inspected and approved by the Animal Services Manager;
  3. Acquire and maintain liability insurance coverage that includes coverage for animal attacks in an amount of at least One Hundred Thousand Dollars and No Cents (\$100,000.00) to cover damages resulting from an attack by the dangerous animal and provide proof of the required liability insurance coverage to the Animal Services Manager. The owner shall notify the Animal Services Manager immediately if a lapse in insurance coverage occurs or if the coverage ceases or is reduced at any time for any reason. The owner shall include in the policy provisions requiring the insurance provider to provide notice to the Animal Services Manager not less than thirty (30) days prior to cancellation or any material change in coverage, and naming the City of Arlington Animal Services as a certificate holder; (Amend Ord 12-032, 5/1/12)
  4. Microchip and register the dangerous animal for its life with a national registry, and present proof to the Animal Services Manager. The cost shall

be at the owner's expense. The owner of the dangerous animal shall microchip the animal by implanting a microchip identification device on the animal within seven (7) calendar days after being notified by the Animal Services Manager or the Court that such animal is dangerous or within forty-eight (48) hours of an unsuccessful appeal;

5. Present proof to the Animal Services Manager that the animal has been sterilized so as to prevent reproduction;
  6. Comply with all applicable regulations, requirements, and restrictions on dangerous animals; and
  7. Obtain written extension from the Animal Services Manager to complete the registration requirements if necessary. All requests for extension shall be in writing and, if granted by the Animal Services Manager, shall total no more than 30 additional days.
  8. The owner shall pay any cost or fee assessed by the City in the amount set by resolution of City Council that is related to the seizure, acceptance, impoundment, compliance inspection or re-inspection, or destruction of the dangerous animal. (Amend Ord 12-032, 5/1/12)
- B. An appeal of a dangerous dog determination by the Court under 8.03(A) or of a dangerous animal declaration by the Animal Services Manager under Section 8.03(B) shall not act to stay the requirements of Subsection (A) except regarding implantation of a microchip as noted in Subsection (A)(4).
- C. The owner of a dangerous animal shall deliver the animal to the Animal Services Manager immediately upon learning that the animal is a dangerous animal, if the animal is not already impounded.
- D. The owner of a dangerous animal who falls out of compliance with an owner's requirement of Subsection (A) shall deliver the animal to the Animal Services Manager immediately.
- E. The Court may issue a warrant to seize the subject animal at any time the Court finds that probable cause of violation or non-compliance exists, including any time otherwise allowed for voluntary compliance. If, on application of the Animal Services Manager, the Court finds, after notice and hearing as provided by Section 8.04, that the owner of a dangerous animal has failed to comply with or has fallen out of compliance with an owner's requirement of Subsection (A), the

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- Court shall order the Animal Services Manager to seize the animal and shall issue a warrant authorizing the seizure.
- F. The Court shall order the Animal Services Manager to humanely destroy the dangerous animal if the owner has not timely complied with Subsection (A) and no perfected appeal is pending.
- G. The Court shall order the Animal Services Manager to humanely destroy the dangerous animal if the owner falls out of compliance with an owner's requirement of Subsection (A) and fails to renew compliance within ten (10) calendar days after the animal is seized or delivered to the Animal Services Manager and no perfected appeal is pending. The Court may order the Animal Services Manager to return the dangerous animal to the owner if the owner renews compliance with Subsection (A) within said ten (10) calendar days or the Court may order the Animal Services Manager to humanely destroy the dangerous animal if the owner falls out of compliance with an owner's requirement of Subsection 8.05, 8.07, or 8.08. No dangerous animal shall be returned to its owner after renewed compliance more than one (1) time. (Amend Ord 12-032, 5/1/12)

### **Section 8.06 Registration**

- A. The Animal Services Manager shall annually register a dangerous animal if the owner is in compliance with the owner's requirements of Section 8.05. The owner shall present proof of compliance satisfactory to the Animal Services Manager and shall pay an annual registration fee of Fifty Dollars and No Cents (\$50.00).
- B. The Animal Services Manager shall provide to the owner registering a dangerous animal a dangerous animal registration tag. Such tag shall be of a bright distinguishing color, shall contain the year of registration engraved on its face and shall be larger than a normal license tag issued to dogs and cats. A dangerous animal registration shall be valid for one (1) year from the date of issuance.
- C. The owner of a registered dangerous animal shall attach the tag to the animal's collar, or similar device, and shall place such collar or device on the animal. The owner of a registered dangerous animal shall display current registration on the animal in this manner at all times.
- D. If the owner of a registered dangerous animal sells or gives away the animal or moves the animal to a new address, the owner, not later than the fourteenth day

- after the date of the sale, gift or move, shall notify the Animal Services Manager of the animal's new address and new owner if applicable.
- E. If the owner of a registered dangerous animal sells or gives the animal to another person, the owner shall notify the other person at the time of the sale or gift that the animal is a registered dangerous animal.
  - F. If a new owner keeps the animal within Arlington, he shall register the animal with the Animal Services Manager within ten (10) calendar days after receiving it.
  - G. The owner of an animal, which has been deemed dangerous in another jurisdiction, shall not harbor the animal within the territorial limits of the City of Arlington.
  - H. The Animal Services Manager shall re-register a dangerous animal with a new owner if such owner is in compliance with this Chapter. Such owner shall present proof of compliance satisfactory to the Animal Services Manager and shall pay a re-registration fee of \$25.00.
  - I. If a dangerous animal's registration is expired when a new owner attempts to re-register it, the new owner shall follow the owner's requirements of Subsection (A).
  - J. A re-registration shall be valid only for the time remaining on the prior registration.
  - K. When the Animal Services Manager is informed that a dangerous animal has been moved to another jurisdiction, he should notify the animal control authority for such jurisdiction of this information. (Amend Ord 12-032, 5/1/12)
  - L. In the event that a registered dangerous animal dies, the owner must present dispositive proof to the satisfaction of the Animal Services Manager or his designee or present written verification by a licensed veterinarian, in order to verify the identity of the dangerous animal by microchip. (Amend Ord 12-032, 5/1/12)

#### **Section 8.07 Owner Notification of Attacks**

- A. The owner of a registered dangerous animal shall notify the Animal Services Manager of all attacks the animal makes on humans.

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- B. Additionally, the owner of a registered dangerous dog shall notify the Animal Services Manager of all attacks made by the dog on domestic animals and domestic fowl. (Amend Ord 02-109, 10/1/02)

### **Section 8.08 Offenses**

- A. A person commits an offense if the person is the owner of a dangerous animal and the animal makes an unprovoked attack on another person outside the animal's enclosure, and the attack causes bodily injury to the other person.
- B. A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on a domestic animal or domestic fowl while said dog is at large, and the attack causes bodily injury or death to the domestic animal or domestic fowl.
- C. A person commits an offense if the person is the owner of a dangerous animal or the new owner of a dangerous animal and performs an act prohibited or fails to perform an act required by this Article.

### **Section 8.09 Defenses and Affirmative Defenses**

- A. It is an affirmative defense to prosecution under Section 8.08 that the person is a veterinarian, a peace officer, a person employed by a recognized animal services center or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody or control of the animal in connection with that position.
- B. It is an affirmative defense to prosecution under Section 8.08 that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.
- C. It is an affirmative defense to prosecution under Section 8.08 that the person is a dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agencies Act (Article 4413[29bb], Vernon's Texas Civil Statutes), and is not the actual owner of the dog.

- D. It is a defense to prosecution under Section 8.08 that the person injured was teasing, tormenting, abusing, or assaulting the animal or has, in the past, been reported to have teased, tormented, abused or assaulted the animal.
- E. It is a defense to prosecution under Section 8.08 that the person injured was committing or attempting to commit a crime.
- F. It is a defense to prosecution under Section 8.08 that the animal was protecting or defending a person while in the person's control, from an unjustified attack or assault. (Amend Ord 12-032, 5/1/12)

**Section 8.10 Muzzle and Restraint of Dangerous Animals**

An owner of a dangerous animal shall not permit a dangerous animal to be outside the secure enclosure unless the animal is muzzled and restrained by a substantial chain or leash, no longer than six (6) feet in length, and a capable person is in immediate physical control of the leash. Such animal shall not be leashed to any inanimate object such as a tree, post, building, or other object. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal.

**Section 8.11 Additional Penalties for Violation of this Article**

(Amend Ord 12-032, 5/1/12)

- A. If a person is found guilty of an offense under Section 8.08(A) or 8.08(B), the Court may order the Animal Services Manager to impound and destroy the animal immediately in addition to other penalties in Article XI.
- B. The Animal Services Manager may obtain a search and seizure warrant if the owner of a registered dangerous animal falls out of compliance with the owner's requirements of Section 8.05. The animal will remain impounded until proof as required by Section 8.05 has been satisfied and is approved by the Animal Services Manager or the animal is destroyed.
- C. If impoundment of a dangerous animal is being attempted away from the premises of the owner and the impoundment cannot be made with safety, the animal may be destroyed without notice to the owner or harbinger. If an attempt is made to impound a dangerous animal from the premises of the owner or harbinger and the impoundment cannot be made with safety, the owner or harbinger will be given

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twenty-four (24) hours notice that if said animal is not surrendered to Animal Services within said twenty-four (24) hour period, then the animal will be destroyed wherever it is found. After this notice, the dangerous animal may be destroyed during an attempt to impound if impoundment cannot be made with safety, wherever the impoundment is attempted. Notice under this Section shall be in writing. A written notice left at the entrance to the premise where the dangerous animal is harbored will be considered valid notice as of the date and time of posting. In lieu of surrendering the animal to Animal Services, an owner may permanently remove said animal from the City, if written proof of destination is provided to the Animal Services Manager and transport is made in compliance with this Article.

- D. A dangerous animal impounded pursuant to this section and not reclaimed by its owner under the requirements of this section within ten (10) calendar days from the date of notice of impoundment shall be deemed abandoned and, at the discretion of the Animal Services Manager, euthanized in a humane manner.
- E. In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000. An attorney having civil jurisdiction for a municipality where the offense occurred may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the municipality. (Amend Ord 02-109, 10/1/02)

### **Section 8.12 Status of Animal**

- A. The owner shall deliver the dog to the Animal Services Manager immediately upon notification that a dangerous dog report has been filed with the Court under Section 8.03(A)(2).
- B. The owner shall deliver the dangerous animal to the Animal Services Manager immediately upon notification that the Animal Services Manager has declared that the animal is a dangerous animal under Section 8.03(B)(2).
- C. The owner shall deliver the dangerous animal to the Animal Services Manager immediately upon notification that the animal is a dangerous animal, as required by Section 8.05(C).

- D. The owner shall deliver the dangerous animal to the Animal Services Manager immediately when the owner falls out of compliance with any requirement of an owner of a dangerous animal, as required by Section 8.05(D).
- E. If the owner fails to deliver the subject animal as required in this Article, the Court shall order the Animal Services Manager to seize the animal and shall issue a warrant authorizing the seizure, as provided in Section 8.05(E).
- F. No dangerous animal shall be returned to its owner at any time unless authorized by this Article and all owner's requirements are fulfilled. (Amend Ord 02-109, 10/1/02)

**Section 8.13 Impoundment and Destruction of Animal**

- A. The Animal Services Manager shall seize the subject animal according to a warrant or shall order such seizure and shall accept the animal into custody when delivered by the owner.
- B. The Animal Services Manager shall provide for impoundment of the subject animal in secure and humane conditions until the Court orders the disposition of the subject animal. The Animal Services Manager may accept proof of impoundment from a licensed veterinarian if such proof and impoundment are satisfactory to the Animal Services Manager.
- C. The owner shall pay any costs and fees incurred by the City related to the seizure, impoundment, and destruction of a dangerous animal.
- D. The Court shall order the Animal Services Manager to humanely destroy the dangerous animal if the owner of the animal has not been located within ten (10) calendar days after the seizure and impoundment of the animal and if no other statute or ordinance has allowed or required the animal's earlier destruction.
- E. The Court shall order the Animal Services Manager to humanely destroy the dangerous animal if the owner has not timely complied with the owner's requirements, according to Section 8.05(F).
- F. The Court shall order the Animal Services Manager to humanely destroy the dangerous animal if the owner falls out of compliance with an owner's requirement and fails to renew compliance within ten (10) calendar days, according to Section 8.05(G).

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- G. The Court shall order the Animal Services Manager to humanely destroy a dangerous animal that can no longer be returned to its owner under this Article. (Amend Ord 02-109, 10/1/02)

### **Section 8.14 Compliance Re-inspections**

The owners of dangerous animals shall comply with all applicable regulations, requirements and restrictions on dangerous animals and may be re-inspected four (4) times per year by the Animal Services Manager for compliance. For each inspection, the owner shall pay to the City a compliance re-inspection fee. The compliance re-inspection fee shall be in an amount set by resolution of City Council and is due to the City within thirty (30) days from the date of billing. (Amend Ord 10-067, 9/14/10)

**ARTICLE IX**

**MISCELLANEOUS**

**Section 9.01 Disposal of Dead Animals**

- A. Dead animals, excluding those intended for human or animal consumption shall be disposed of as follows:
1. Animals weighing fifty (50) pounds or less may be buried on the owner's premises at a depth of not less than twelve inches (12").
  2. Animals weighing twenty (20) pounds or less may be placed for trash collection if they are first wrapped securely in newspaper and put in a bag of a type approved by the Administrator of the "Health" Chapter of this Code.
  3. Animals may be disposed of at the landfill, sold or given to a renderer, or buried in a properly zoned pet cemetery.
  4. If requested by the owner, dogs and cats will be picked up by the City, and disposed of at the landfill or incinerated. There shall be a fee for this service at an amount set by resolution of the City Council. (Amend Ord 12-032, 5/1/12)
  5. The Landfill Manager shall have the right to refuse a dead animal if placing such animal in the landfill would pose a health risk.
  6. The Animal Services Manager shall have the right to refuse to accept any dead animal if he determines that transporting such animal would cause a health risk to humans or to animals at the Animal Services Center.
- B. A person commits an offense if he disposes of a dead animal in a manner other than as provided by this Section.
- C. The owner of an animal which has died commits an offense if he fails to properly dispose of such animal within twenty-four (24) hours of its death.

**Section 9.02 Traps**

- A. A person commits an offense if he releases or removes an animal from a trap set by the Animal Services Manager.
- B. A person may set up on his own property humane traps used to capture dogs, cats, and other small animals. Trapped animals must be sheltered and shall be checked at least once every two hours or every eight hours if left overnight 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.
- C. It is a defense to prosecution under this section that the trap was designed to kill common rodents, including but not limited to rats, mice, and gophers. A person shall not place rodent traps on his property in such a manner as is likely to trap animals other than common rodents. (Amend Ord 12-032, 5/1/12)

**Section 9.03 Interfering with Manager**

A person commits an offense if he knowingly prevents, interferes with, or obstructs the Animal Services Manager in the performance of his duties.

**Section 9.04 Filing of False Claims and Reports**

- A. A person commits an offense if he knowingly initiates, communicates or circulates a claim of ownership for an animal with the Animal Services Manager that he knows is false or baseless.
- B. A person commits an offense if he knowingly initiates, communicates or circulates a report of a violation of City ordinance or State law with the Animal Services Manager that he knows is false or baseless.

**Section 9.05 Defecation - Removal and Disposal Required; Implements Required**

- A. Offense: An owner or person who has care, custody or control of an animal commits an offense if, he permits or by insufficient control allows an animal to defecate on private property not his own or on property located in a public place

without immediately removing and disposing of the defecation material in a sanitary and lawful manner.

- B. Offense: An owner or person who has care, custody or control of an animal commits an offense if, he permits or by insufficient control allows an animal to enter or remain on private property not his own or on property located in a public place without having in his possession materials or implements that, either alone or in combination with each other, can be used immediately in a sanitary and lawful manner to remove and dispose of defecation the animal may deposit on such property.
- C. It is an affirmative defense to prosecution under this section that:
1. The animal is a police service animal under the supervision of a police officer in the performance of his official duties; or
  2. The animal is a “service dog” performing duties of assisting the disabled.
  3. The animal is a waterfowl at a municipality owned facility.
  4. The owner of the private property has given consent or permission for the animal to defecate on his property.
- D. Penalty: A person who violates this section is guilty of a misdemeanor punishable by a fine not to exceed One Hundred (\$100.00) dollars. (Amend Ord 12-032, 5/1/12)

**Section 9.06 Pigeons**

- A. The harboring, breeding, maintenance and flying of pigeons shall be permitted under the following conditions:
1. The loft or other structure used or employed for the purpose of housing pigeons shall be maintained in such a manner that no feces, food, water or other waste or natural material is accumulated on any surface within or outside of the loft or structure.
  2. A person harboring pigeons in a loft or other structure shall collect and dispose of stored pigeon wastes in a closed fly-proof and rat proof

container, and in a manner that prevents the escape of odors from the container and prevents the breeding of flies.

3. A person harboring pigeons in a loft or other structure used for the purpose of housing pigeons shall ensure the structure is designed such that the area housing pigeons provides a minimum of one cubic foot for each mature pigeon kept therein. If any pigeon housed in a loft or other structure is not permitted to fly free outside said loft or other structure a minimum of two times each week, the loft or other structure shall be of such construction as to provide a minimum of three cubic feet of floor space for each pigeon housed within said loft or structure.
4. The construction of the loft shall not conflict with the requirements of any ordinance, including but not limited to, the Construction or Zoning Chapters of the City of Arlington.
5. Any person harboring pigeons in a loft or other structure shall store pigeon feed in such containers as to protect against intrusion by rodents and other vermin.
6. In addition to any requirements of this ordinance the loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the City of Arlington and no person may harbor pigeons in such a manner as to constitute a nuisance.
7. All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition.
8. Any person keeping pigeons in a loft or other structure shall provide fresh and clean food and water daily.
9. The loft or other structure employed for the purpose of harboring pigeons shall be constructed in such a manner as to provide adequate ventilation which shall mean that fresh air may flow both in and out of the loft or structure at all times unless enclosed in the winter time for a limited period to ensure adequate heat.
10. The pigeon loft shall be constructed in such a manner that it will be rodent-proof and shall be kept free from rodents.

11. No loft or other structure housing pigeons shall be constructed, placed, or maintained within fifty feet (50') from any habitation; restaurant, café, or other eating establishment; church, school, hospital, child daycare center, convalescent home, nursing home, residential treatment facility, library, park, playground, community center, or other public building property line. This provision shall not apply to any structure in existence at the time of the effective date of this ordinance amendment.
  
12. Annual Pigeon Permit
  - a. No person shall sponsor, own, keep or harbor pigeons within the City without first obtaining a pigeon permit from the Administrator.
  
  - b. No person shall keep or harbor pigeons in a loft or other building or structure unless the person obtains an annual permit from the Administrator that specifies the location of the pigeons and other details as described below. Each permit issued shall expire one year after issuance unless revoked earlier. A permit shall be renewed annually by the permit holder. There will be a fee required with the requested permit in an amount set by resolution of the City Council.
  
  - c. The Administrator shall prescribe: procedures for obtaining such permits, regulations for the keeping or harboring of pigeons under such permits with provision for inspection subject to the payment of applicable fees, and procedures for the revocation of such permits.
  
  - d. The Administrator shall charge a fee for a pigeon permit and a fee for inspecting the loft or structure or building where the pigeons are kept.
  
  - e. The applicant shall complete a pigeon permit application form provided by the City. The application shall include the following information:
    - 1) a site plan showing the location and size of the premises as well as the location, size, and type of all pigeon lofts;

- 2) a statement indicating the maximum number of pigeons to be kept on the premises at one time; and
- 3) an agreement by the applicant that the premises may be inspected by the City at all reasonable times so as to ensure compliance with the conditions in this Chapter, the City Code and any other relevant law.
- 4) In determining whether to issue a permit, the Administrator may consider: the person's compliance with the provisions of this Chapter as well as complaints from neighbors.

13. Pigeon Permit Denial or Revocation

- a. A pigeon permit may be revoked, or renewal denied, if the permit holder fails to comply with any condition or requirement in this Chapter or the City Code.
  - b. In deciding whether or not to issue, renew, revoke, or deny a permit, the Animal Services Manager may consider two or more verified nuisance complaints from at least two different people.
  - c. If any pigeon loft or structure or building within the City is not being maintained in compliance with this Chapter or the City Code, the Animal Services Manager may revoke the permit upon determination that it is in the best interest of the pigeons or the health and safety of the citizens of Arlington.
  - d. If the Animal Services Manager revokes or denies renewal of a permit, the owner may request a hearing before the Administrator to establish whether the decision of the Animal Services Manager should be affirmed or reversed. The hearing is requested and conducted under Article X. (Amend Ord 12-032, 5/1/12)
- B. The Animal Services Manager, upon determination that any loft situated within the City of Arlington, is not being maintained in compliance with this section, may order the pigeons removed from the City or obtain an order to seize such pigeons if he determines it is in the best interest of the birds or the health and safety of the citizens of Arlington.

**Section 9.07 Care and Humane Treatment of Animals**

- A. A person commits an offense if he fails to continuously and routinely provide an animal, which is in his care, custody or control or which is owned or harbored by him, with:
1. good and wholesome food and potable water sufficient to maintain good health;
  2. adequate housing consisting of a three or more sided structure with a cover or roof, shelter and protection from the weather;
  3. veterinary care when needed to prevent suffering; and
  4. with humane care and treatment.
- B. A person commits an offense if he causes or allows an animal, which is in his care, custody or control or which is owned or harbored by him, to be at risk of being:
1. beaten, tormented, mentally abused, overloaded, overworked, maimed, disfigured, burned or scalded, mutilated or needlessly killed; or
  2. carried or transported in any vehicle or other conveyance in a cruel or inhumane manner; or
  3. kept in its own filth; or
  4. neglected or purposefully disregarded to the extent that the animal is significantly at risk for injury, illness, suffering or cruel treatment.
- C. A person commits an offense if he crops a dog's ears, docks a tail, removes dew claws or performs other surgical procedures on a dog or cat except as provided by the Veterinary Licensing Act.
- D. A person commits an offense if he uses a steel jaw or leg-hold trap to hold or capture an animal. The Animal Services Manager or designee may confiscate the trap or traps to be held as evidence in the case for the offense.
- E. A person commits an offense if he abandons an animal which had been in his care, custody or control or owned or harbored by him. The offense of

- abandonment occurs at the location where the animal was abandoned and includes, but is not limited to, a residence after the person was evicted or from which the person has moved.
- F. A person commits an offense if he causes or allows an animal, which is in his care, custody or control or which is owned or harbored by him, to be at risk for being trained or used for combat between animals or between animals and humans or if he has access to dog fighting or cockfighting equipment or paraphernalia causing the animal to be at risk for such combat.
- G. A person commits an offense if he transports or carries on any public roadway any animal in a motor vehicle unless the animal is safely enclosed within the vehicle; and if traveling in an unclosed vehicle (including but not limited to convertibles, pickup trucks, jeeps, and flatbed trucks), the animal is safely confined by a vented container or cage, 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.
- H. A person commits an offense if he leaves any animal in a standing or parked vehicle in such a way as to endanger the animal's health, safety or welfare. (Amend Ord 12-032, 5/1/12)

**Section 9.08 Tethering**

- A. A person commits an offense if he uses a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object or trolley system. This section does not prohibit a person from walking a dog with a hand-held leash.
- B. It is a defense to prosecution under this section that:
1. the dog is being tethered during a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity; or
  2. the dog tethering is required to protect the safety or welfare of a person or the dog, and the dog's owner maintains direct physical control of the dog; or
  3. the dog tethering is due to force majeure and the dog is tethered for less than one hour within a twenty-four period; or

4. the dog tethering:
    - a. occurs while the dog is within the owner's direct physical control;  
and
    - b. prevents the dog from advancing to the edge of any public right-of way.
- C. The defenses under this section are only available if the following specifications are met:
1. The chain, rope, tether, leash, cable, or other device is attached to a properly fitted collar or harness worn by the dog;
  2. The chain, rope, tether, leash, cable, or other device is not placed directly around the dog's neck;
  3. The chain, rope, tether, leash, cable, or other device does not exceed 1/20th of the dog's body weight;
  4. The chain, rope, tether, leash, cable, or other device, by design and placement allows the dog a reasonable and unobstructed range of motion without entanglement; and
  5. The dog has access to adequate shelter and clean and wholesome water.  
(Amend Ord 12-032, 5/1/12)

## ARTICLE X

### ADMINISTRATIVE HEARINGS

#### **Section 10.01 General Provisions**

- A. When notice is required to be given to a person under this Article, it shall be in writing and mailed certified mail or by a signature confirmation service to that person's last known mailing address.
- B. Notice shall specify the date, time and place of the hearing.
- C. Notice shall be deemed received five days after it is placed in a mail receptacle of the United States Postal Service.
- D. For purposes of this Article, the Administrator shall be empowered to administer oaths and to promulgate procedural rules for the conduct of hearings.
- E. Whenever any deadline specified in this Article falls upon a Saturday, Sunday or a City recognized holiday, the deadline shall be the next regular City business day.
- F. An order or ruling required to be made under this Article shall be final on the date that it is signed.
- G. The administrative remedies set forth in this Article shall be in addition to any criminal penalties provided in the ordinances of this City or the laws of this State.

#### **Section 10.02 Administrative Hearing for License Revocation**

- A. The Animal Services Manager shall apply to the Administrator for an administrative hearing to determine whether a dog or cat license issued by the City of Arlington should be revoked if:
  - 1. The dog or cat has been impounded by the City three (3) or more times during a twelve (12) month period;
  - 2. The owner has been convicted, placed on deferred disposition, or received a dismissal for completion of the Animal Awareness and Safety Program,

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in the Arlington Municipal Court three (3) or more times during a twelve (12) month period for violations of Article III involving the dog or cat; or

3. There is a combination of (1) and (2) totaling three (3) or more incidents in the same twelve (12) month period.
- B. The application shall be on a form prescribed by the Administrator. A copy of all documents relating to the incidents for which revocation is sought shall be attached to the application.
- C. The Administrator shall schedule the hearing for a time no later than ten (10) days following the day he receives the application.
- D. The Administrator shall send notice of the hearing to the owner, and shall inform the Animal Services Manager of the hearing.
- E. The sole issue to be decided at the hearing is whether the license should be revoked.
- F. At the conclusion of the hearing, the Administrator shall make written findings of fact and conclusions of law, and shall issue a written order without undue delay stating that the license is either revoked or not revoked. A copy of such order shall be sent to the owner by certified mail, return receipt requested.
- G. Upon the license being revoked, the owner shall have ten (10) days to remove the dog or cat from the City.

### **Section 10.03 Abatement of Animal Related Nuisances**

- A. The owner of an animal is subject to all provisions of the Nuisance Chapter and this Chapter to ensure that his animal or animals do not constitute a nuisance. The City may take action pursuant to the Nuisance Chapter, Animal Chapter or other relevant law to abate any animal related nuisance.
- B. The Animal Services Manager shall apply to the Administrator to determine whether an animal constitutes a nuisance and should be abated under the Nuisance Chapter or Animal Chapter if:
  1. The animal has been impounded by the City two (2) or more times during a twelve (12) month period;

2. The owner has been convicted, placed on deferred disposition or probation, or received a dismissal for completion of the Animal Awareness and Safety Program in the Arlington Municipal Court two (2) or more times during a twelve (12) month period for violations of this Chapter.
  3. There is a combination of incidents under subsections (1) and (2) totaling two (2) or more incidents in the same twelve (12) month period.
- C. The application shall be on a form prescribed by the Administrator. A copy of all documents relating to the incidents for which nuisance abatement is sought shall be attached to the application.
- D. Upon application of the Animal Services Manager, the Administrator shall follow the procedures for nuisance abatement in the Nuisance Chapter, including but not limited to notice of abatement, administrative hearings, and notice to the animal's owner.

**Section 10.04 Administrative Hearing - Pigeons, Prohibited and Exotic Animals**

- A. The owner of pigeons or an impounded prohibited or an impounded exotic animal may request an administrative hearing before the Administrator to establish:
1. the animal is not a prohibited or exotic animal;
  2. the animal was not in violation of the exotic or prohibited animal provisions of this chapter;
  3. the animal falls within one of the affirmative defenses to owning prohibited or exotic animals; or
  4. whether the decision of the Animal Services Manager to deny or revoke a pigeon permit should be affirmed or reversed.
- B. The owner of the animal shall have the burden of proof at the hearing.
- C. A request for a hearing shall be in writing and shall set forth with specificity the reasons for the hearing and what the owner expects to prove at the hearing. The request shall be signed and sworn to by the owner.

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- D. A request for a hearing shall be filed with the Administrator no later than 5:00 p.m. on the fifth calendar day following the impoundment of the animal or decision of the Animal Services Manager on a pigeon permit.
- E. The Administrator shall hold the hearing within five (5) business days from the date the request is filed.
- F. The Administrator shall give notice of the hearing to the owner, and shall inform the Animal Services Manager of the hearing.
- G. At the conclusion of the hearing, the Administrator shall issue a written order without undue delay.
  - 1. In an administrative hearing to determine if an animal is a prohibited animal:
    - a. If the Administrator finds that the animal is not a prohibited animal or is an animal that falls within an affirmative defense to prohibited animals, he shall order the animal released to the owner.
    - b. If the Administrator finds that the animal is a prohibited animal that does not fall within an affirmative defense criteria, he shall order it humanely euthanized and disposed of according to the provisions relating to disposition of prohibited animals under this Chapter. In such case, the owner may appeal to the Appeals Officer.
  - 2. In an administrative hearing to determine if an animal is an exotic animal:
    - a. If the Administrator finds that the animal is not an exotic animal, was not in violation of the exotic animal provisions of this Chapter and was not at large, he shall order the animal released to the owner.
    - b. If the Administrator finds that the animal was in violation of Article VII or at large, he shall order it disposed of according to the provisions relating to disposition of exotic animals under this Chapter. In such case, the owner may appeal to the Appeals Officer.

3. In an administrative hearing to determine whether a pigeon permit should be denied or revoked:
  - a. If the Administrator finds that the permit was improperly revoked or denied, he shall order the permit to be reissued or reinstated.
  - b. If the Administrator finds that the permit was properly revoked or denied, he shall order the permit to remain revoked or denied. In such case, the owner may appeal to the Appeals Officer.

### **Section 10.05 Appeal to Appeals Officer**

- A. The owner of an animal the subject of a hearing under Section 10.04 may appeal a ruling to the Appeals Officer.
- B. Notice of appeal shall be filed with the Administrator no later than 5:00 p.m. on the fifth calendar day following the date of the Administrator's order.
- C. Notice of appeal shall be in writing and shall specify the grounds upon which the appeal is based.
- D. The Administrator shall immediately transmit to the Appeals Officer all papers and any other items constituting the record of the action from which the appeal is taken.
- E. An appeal to the Appeals Officer shall stay the disposition of the animal, unless the Administrator certifies through written affidavit that a stay would cause imminent peril to life or property. In such a case, disposition shall not be stayed otherwise than by a restraining order granted by a court of record.
- F. An appeal shall be conducted no later than the tenth calendar day following the date the appeal is filed.
- G. The Appeals Officer shall make a written ruling following the appeal finding that the order of the Administrator is either upheld or reversed.
- H. If the order of the Administrator is reversed the Animal Services Manager shall release the animal to the owner. If the order of the Administrator is upheld, the Animal Services Manager shall proceed with disposition of the animal as provided for in this Chapter.

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I. This appeal shall exhaust all administrative remedies of the owner.

(Amend Ord 12-032, 5/1/12)

## ARTICLE XI

### PENALTY

#### Section 11.01 Penalty

A person who violates any provision of this Chapter by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor; each day the violation continues shall be a separate offense.

1. If the definition of an offense under this Chapter does not prescribe a culpable mental state, then a culpable mental state is not required. Such offense shall be punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Although not required, if a culpable mental state is in fact alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, such offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).
2. If the definition of an offense under this Chapter prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

(Amend Ord 12-032, 5/1/12)