

ORDINANCE NO. 3658

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 91, TO BE ENTITLED ANIMAL REGULATIONS; REVISING THE PURPOSE AND SCOPE; ESTABLISHING ADDITIONAL DEFINITIONS; ESTABLISHING REGULATIONS REGARDING THE KEEPING OF CHICKENS; PROHIBITING TETHERING OF DOGS; REVISING PUBLIC NUISANCES RELATING TO ANIMALS; REVISING TRAPPING REGULATIONS; AMENDING REGISTRATION AND VACCINATION REQUIREMENTS; AMENDING THE RABIES CONTROL AND QUARANTINE REQUIREMENTS AND PROCESSES; REVISING THE IMPOUND AND ADOPTION PROCEDURES; REVISING DANGEROUS DOG PROCEDURES; REVISING THE WILD OR VICIOUS ANIMAL AND LIVESTOCK REGULATIONS; REVISING ENFORCEMENT PROCEDURES; AMENDING CHAPTER 31, THE COMPREHENSIVE FEE SCHEDULE OF THE CODE OF ORDINANCES OF THE CITY REGARDING ANIMAL RELATED FEES; PROVIDING FOR A PENALTY OF UP TO \$2000 PER DAY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.**

**WHEREAS**, the City of Carrollton, Texas (the "City") is a Home Rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

**WHEREAS**, Section 54.004 of the Texas Local Government Code provides that a home rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

**WHEREAS**, the City Council of the City desires to enact an ordinance which regulates the keeping and registration of animals, rabies control, dangerous dogs, wild animals, and livestock and authorizes code enforcement officers, inspectors, animal control officers and licensed peace officers to issue citations to provide for the enforcement of this Ordinances; and

**WHEREAS**, the City Council finds that it is necessary and proper for the good government, peace or order of the City to adopt regulations regarding the care, treatment, and requirements relating to animals.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:**

**SECTION 1.**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

## SECTION 2.

The Code of Ordinances of the City of Carrollton is hereby amended by amending Chapter 91, to be entitled "Animal Regulations", of Title IX, Health, Safety and Property Maintenance, of the Carrollton Code of Ordinances to read as follows:

### "CHAPTER 91. – ANIMAL REGULATIONS

#### ARTICLE I. IN GENERAL.

##### Sec. 91.001. – Purpose and Scope.

- (A) This chapter shall be known as the City of Carrollton Animal Regulations.
- (B) It is the purpose of this chapter to: protect public health and safety; prevent disease and injury to humans and/or animals; and ensure animals are treated in accordance with state law.
- (C) This chapter establishes the permit and registration standards and processes for all dogs, cats, chickens and potbellied pigs.
- (D) This chapter establishes the penalties and remedies necessary to achieve the public health and safety purposes set forth herein.

##### Sec. 91.002. – Administration.

The City Manager, or his designee, shall administer, implement, and enforce the provisions of this chapter. Any powers granted to, or duties imposed upon the City Manager, or his designee, may be delegated to other City personnel or authorized representatives.

##### Sec. 91.003 – Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Abandon.* To leave any animal without proper care or supervision on public or private property for a period of time exceeding twelve (12) hours. An animal not reclaimed from the city animal shelter within three (3) business days from the date of impoundment shall also be considered abandoned.

*Animal.* Any living, vertebrate creature, domestic or wild, including but not limited to mammals, reptiles, amphibians, birds, and fish, but specifically excluding human beings.

*Animal shelter.* Any facility operated by a county or municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter.

*Animal Services Officer.* Any person designated by the DCO as an Animal Services Officer who is assigned to perform duties under this chapter.

*At large.* An animal that is not confined to the premises of its owner by a fence of sufficient strength and height to prevent the animal from escaping therefrom, inside a house or other enclosure, or secured on said premises by a leash of sufficient strength to prevent the animal from escaping from said premises, and so arranged that the animal will remain upon said premises when the leash is stretched to full length in any direction; an animal in the open bed of a pickup, flatbed or similar vehicle and not securely confined within a container or other device that prevents the animal from exiting or reaching outside the vehicle. Provided, however, an animal shall not be considered "at large" when held and controlled by a person by means of a leash or chain, of proper strength and length to control the action of the dog, while confined within the enclosed compartment of a vehicle or in any city-designated dog park so long as the animal is in compliance with all other requirements of this chapter.

*Cat.* A domestic member of the feline family and shall not include bobcat, panther, mountain lions, tigers or other exotic cats or hybrids.

*Chicken.* A domestic fowl from the *Gallus gallus domesticus* sub-species.

*Chicken coop.* A pen or cage used for housing female chickens.

*Circus.* Any commercial variety show featuring animal acts for public entertainment.

*Commercial animal establishment.* Any place or facility where animals can be rented, leased, purchased, sold, or traded, riding school or stable, zoological park, circus performing animal exhibition, kennel or other establishment in which animals are used for commercial purposes.

*Commercial purpose.* The keeping of animals for the purpose of profit.

*Designated City Official or DCO.* The City Manager. The term may include the City Manager's designee or delegated staff or duly authorized representative of the City Manager.

*Dog.* A domesticated member of the canine family, but shall not include wolves, jackals, foxes, hybrids or other wild species of this family.

*Establishment.* A place where business is transacted, together with its grounds and equipment.

*Facilities (as applied to keeping animals)* The pens, stalls, stables, corrals, feeding trough area, sheds and facilities of every kind where fowl, livestock or pets are penned, fed and/or protected from the weather. This shall not be interpreted to include a grazing area.

*Fly breeding.* The presence of flies in the larval stage.

*Fowl.* Includes chickens, turkeys, pheasant, quail, guineas, geese, ducks, pigeons and other feathered animals regardless of age or sex excluding parrots.

*Impound.* To place an animal in the city's animal shelter; or the taking into custody of an animal for the purpose of transportation to the city's animal shelter.

*Kennel.* Any premises in which two or more animals, four (4) months of age or older, are kept and where the business of buying, selling, breeding, grooming, training or boarding of dogs, cats or other animals is conducted. The term "kennel" does not include veterinary hospitals.

*Licensed veterinarian.* A practitioner of veterinary medicine who holds a valid license to practice their profession in the State of Texas.

*Livestock.* Includes horses, mules, donkeys, cattle, goats, sheep and swine, regardless of age, sex or breed.

*Local rabies control authority.* The person designated by the governing body of a municipality to enforce the requirements prescribed in Chapter 826, "Rabies," Texas Health and Safety Code, as amended.

*Owner.* Includes a person who owns, harbors, keeps, maintains or exercises control over an animal. Proof that a person is in control of premises where an animal is usually kept, harbored or maintained shall establish a prima facie presumption that such person is the owner of such animal. An animal shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days. If a person under the age of 17 years owns an animal, the parent, legal guardian, or the head of the household where the animal is regularly kept shall be considered the owner.

*Parkway.* The portion of the public street other than a roadway or sidewalk.

*Pen or corral.* An enclosure in which livestock are kept.

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

*Person.* Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns.

*Pet.* Any animal normally kept for pleasure rather than utility, excluding those defined as fowl, livestock or wild animal by this Code.

*Pet registration.* The printed or written permission issued by the DCO authorizing the holder to keep a dog, cat, or potbellied pig within the city.

*Premises.* A parcel of land (one or more continuous lots), or portion thereof, owned, leased or controlled by one or more persons.

*Public nuisance.*

(A) Any animal which:

- (1) Interferes with a person or passing vehicle.
- (2) Attacks another animal causing injury resulting in death or more than \$500.00 in veterinary care costs .
- (3) Trespasses on school grounds.
- (4) Is at large.
- (5) Damages private or public property.
- (6) Has bitten or scratched a person while at large.

(B) Feeding:

- (1) Storing food in a manner that may attract rodents or other vermin.
- (2) Feeding birds or other wildlife in a manner that may attract rodents or other vermin.
- (3) Allowing an accumulation of food, food waste, or animal waste in a manner that may attract rodents or other vermin.

*Quarantine.* To detain or isolate due to suspected contagion.

*Riding school or Riding stable.* Any place, which has available for hire, boarding and/or riding instruction, any horse, donkey or mule.

*Rooster.* A male domestic fowl from the *Gallus gallus domesticus* sub-species.

*Sanitary.* Any condition of good order and cleanliness, which precludes the probability of disease transmission.

*Tether.* A leash, chain, cable, rope or other form of restraint that is not less than ten feet (10') or at least five (5) times the length of the animal restrained, affixed at one end to any fixed object and affixed at the other end to the collar or harness worn by the restrained animal.

*Vaccination.* A protective inoculation administered by a licensed veterinarian and approved by the United States Department of Agriculture, Bureau of Animal Industry, in an amount sufficient to provide immunity.

*Vaccination certificate.* A certificate showing on its face that the animal described thereon received an inoculation of an approved rabies vaccine in an amount sufficient to produce immunity and bearing the signature of a licensed veterinarian.

*Veterinary hospital.* Any establishment maintained and operated by a licensed veterinarian for surgery, wellness program, diagnosis and treatment of diseased and injured animals.

*Wild animal.* Any live monkey (non-human primate), raccoon, skunk, fox, snake, leopard, panther, tiger, lion, lynx, coyote, wolf, wolf hybrid or any animal which can normally be found in the wild state.

*Zoological park.* Any facility, other than a business enterprise that buys, sells or boards any species of pets, or kennel, displaying or exhibiting one or more species of non-domesticated or wild animals operated by a person, partnership, corporation or government agency.

## ARTICLE II. KEEPING ANIMALS; CARE AND TREATMENT.

### Sec. 91.006. - Compliance.

It shall be unlawful for any person to keep, own, maintain, use or have in his possession or on his premises within the city any wild animal, livestock, fowl or pet, except in compliance with the provisions of this chapter.

### Sec. 91.007. - Keeping of dogs, cats or fowl; limitations.

#### (A) *Number of animals permitted.*

- (1) It shall be unlawful for any person to keep more than two (2) cats or two (2) dogs on any premises within the city that has no enclosed backyard fencing. It shall be unlawful for any person to keep more than three (3) dogs and three (3) cats on any premises within the city that has enclosed backyard fencing.
- (2) Up to five (5) dogs and five (5) cats may be kept on premises containing one acre of land, where the animals are restrained by fencing located 200 feet from any dwelling or business, owned or occupied by any person other than the owner.
- (3) No more than five (5) of any other type of animal, bird or reptile more than four (4) months of age, excluding fowl and livestock, shall be kept in any residentially zoned area of the city.
- (4) Up to six (6) chickens may be kept on any residentially zoned single-family lot within the City in compliance with the following conditions:
  - (a) A permit to keep chickens has been approved by the DCO;
  - (b) No roosters are kept on the property;
  - (c) Chickens are provided a chicken coop and not allowed to fly or roam free on the property.
  - (d) A chicken coop may not exceed 80 square feet or be taller than eight feet (8'), and must be located within its own fence not to include perimeter fencing;

- (e) A chicken coop may not be located within twenty-five feet (25') of any dwelling or business owned or occupied by any person other than the owner;
  - (f) A chicken coop may not be located within five feet (5') of any property line;
  - (g) Accumulated chicken excrement is collected from the chicken coop at least once every 48 hours and disposed of in an approved waste container;
  - (h) Neither chickens nor eggs are sold from the property; and
  - (i) Processing of deceased chickens may not occur in any area visible from a public right of way.
- (5) Except as provided in Sec. 91.007(A)(4):
- (a) no fowl shall be kept on any lot or tract of land of less than one (1) acre located in a residentially zoned area of the city; and
  - (b) for each lot or tract in excess of one (1) acre, an owner may keep up to six fowl per acre; provided no such fowl shall be allowed to roam, fly or be housed within 200 feet of any dwelling or business owned or occupied by any person other than the owner.
- (6) This subsection 91.007(A) shall not apply to commercial kennels, veterinary hospitals or animal establishments operated by a veterinarian, located on property zoned for such purpose. Such establishments, however, must meet sanitation requirements and keep animals securely contained.
- (B) *Fencing requirements.*
- (1) Where fencing is required by this section it shall be at least four feet (4') in height and constructed in compliance with Title XV, Chapter 154 of the Carrollton Code of Ordinances, as amended, and with openings no wider than two inches (2").
  - (2) Escape of an animal or an animal running at large, as covered by this chapter, shall be prima facie evidence that the owner's fence does not comply with the requirements of this chapter.

Sec. 91.008. - Animal care.

- (A) No owner shall fail to provide their animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, and veterinary care when needed to prevent suffering.
- (B) The owner of every animal shall be required to provide such animal with sanitary living conditions by removing animal waste from an interior or exterior pen, shelter, yard or other keeping area at least once every 48 hours. All animal waste shall be disposed of in an approved container. Discarding waste on any public or private property shall be considered a violation of this section.

- (C) No person shall leave any animal unsupervised in any vehicle without proper ventilation. It shall be considered a violation of this section if any animal is found in a vehicle where the outside temperature is higher than 75 degrees.
- (D) Tethering.
  - (1) No person shall leave a dog outside, unattended, and attached to a tether.
  - (2) No person shall leave a dog attached to a tether so heavy as to restrict or burden the dog's movements.
- (E) No person shall leave a dog outside, unattended, and wearing a pinch collar, choke collar or improperly fitted collar or in a condition that is unsafe or has the potential to cause injury.
- (F) No person shall beat, cruelly treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- (G) No owner of an animal shall abandon said animal.
- (H) No person except a licensed veterinarian shall crop a dog's ears, dock a dog's tail or perform any surgical treatment that is routinely provided by a licensed veterinarian.
- (I) Any animal, which is not provided the basic levels of care and protection as outlined in this section may be immediately removed and impounded at the city animal shelter. The animal shall remain at the shelter until the conditions are improved and the DCO has determined that such animal can be safely returned to the owner. The owner reclaiming such animal shall be responsible for paying all applicable fees.

Sec. 91.009. - Breeding animals.

No person shall breed or cause to be bred any animal within the public view.

Sec. 91.010. - Public nuisance.

- (A) It shall be unlawful for the owner of any animal to cause, suffer, permit, or allow such animal to be or remain a public nuisance as defined in section 91.003.
- (B) It shall be unlawful for the owner or tenant of any property, occupied or unoccupied, to cause, suffer, permit, or allow the property to contribute to a public nuisance as defined in section 91.003.

Sec. 91.011. - Keeping animals or fowl in residential areas constituting a nuisance.

- (A) It shall be unlawful to own, keep, possess or harbor any animal, which, by frequent, habitual, or untimely barking, howling, or otherwise audible noise, unreasonably disturbs or interferes with the use, comfort, or repose of any neighboring persons of ordinary sensibilities. The provisions of this section shall apply to all public and private facilities including any animal shelter, commercial kennel or veterinary clinic, which holds or treats animals.
- (B) It shall be unlawful for any person to maintain any animal or fowl in such a manner that residents of adjacent or nearby property are subject to obnoxious odors.
- (C) It shall be unlawful to feed any animal on any property other than the property of the owner of the animal. Animals must be fed from a container designed to prevent attracting rodents.
- (D) Except as provided in section 91.007(A)(4), it shall be unlawful to feed wild animals in any method, excluding fowl.

Sec. 91.012. - Nuisance on public sidewalks, parkways and other places open to the public, to be prevented by the owner.

- (A) It shall be unlawful for an owner to permit, either willfully or through failure to exercise due care or control, any such dog or animal to defecate upon the sidewalk or parkway of any public street, public park, or upon the floor of any common hall in any entranceway, stairway or wall immediately abutting on a public office building or other buildings used in common by the public or upon the floor, stairway, entranceway, office, lobby, foyer or patio used in common by the public, or the front yard, rear yard, side yard or utility easement of any private property not owned or leased by, or under the control of the animal's owner.
- (B) The owner of every animal shall be responsible for the removal of any excreta deposited by their animal(s) in areas outlined in subsection (A) of this section. Immediate removal and appropriate disposal of such excreta shall be a defense to prosecution under subsection (A) of this section.

Sec. 91.013. - Animals and fowl prohibited in establishments selling food.

It shall be unlawful for any person to allow any live animal or fowl to enter or remain inside any food establishment as defined in Title XI, Chapter 116 of the Carrollton Code of Ordinances, as amended,. This section shall not apply to registered service animals.

Sec. 91.014. - Poisoning, killing, trapping animals.

- (A) No person shall leave any poisonous substance in any place accessible to birds, dogs, cats or other such animals with the intent to kill or harm such animals.

- (B) No person shall use or place for use any leg-hold trap, snare or other animal capturing device. This section shall not apply to the use of live-catch, box style traps. For the capture of stray cats, opossums, raccoons, skunks or other similar animals, traps may be borrowed from the Animal Shelter under the following conditions:
- (1) Borrower must be a resident of the City of Carrollton;
  - (2) Borrower may only deploy traps on the borrower's property within the city;
  - (3) Borrower agrees to return the trap to animal services within ten days from the date the trap was borrowed;
  - (4) Borrower agrees to accept full responsibility for the trap while the trap is in their possession;
  - (5) Borrower must set and monitor the trap and ensure that any captured animal is reported in a timely manner;
  - (6) The owner or tenant of a property where a trap is set grants permission to a responding Animal Services Officer to enter the area of the property where the trap is located; and
  - (7) Borrower agrees to pay a fee equal to the cost of replacement for each trap issued to the borrower that is damaged, lost or stolen within thirty days from the date the trap was loaned.
- (C) This section is not intended to prevent the DCO or Animal Services Officers from trapping animals when entitled to do so by state statute or by any ordinance of the city.
- (D) It shall be unlawful to remove, alter, damage or otherwise tamper with a trap or equipment belonging to or set by the City or its designee.
- (E) This section shall not be interpreted to restrict the extermination of rats, mice, insects, other vermin, or any animal deemed a nuisance by state or federal law, through the use of traps, poisons, or other commercially available means when used in that person's residence, property, accessory structure, or commercial establishment and in accordance with the manufacturer's directions as long as reasonable precautions are taken to ensure that no human, pet, or wild animal, other than the targeted species, comes into contact with the traps, poisons, or other means and that does not violate any other section of this chapter.

Sec. 91.015. - DCO may terminate keeping of animals.

Whenever any premises where any animals are kept in an unsanitary condition, or the facilities are not adequate under the provisions of this chapter, or any health ordinance or law is not being observed, the DCO may, by written notice to the owner of such premises or facilities,

require the abatement of the conditions which violate this chapter or such ordinance of law and establish a schedule by which such abatement must be completed. Failure of the owner to comply with said order shall, in addition to constituting a misdemeanor hereunder, be grounds for and entitle the city to seek relief through any remedy available under applicable statutes.

### ARTICLE III. REGISTERING ANIMALS; TAGS AND COLLARS.

#### Sec. 91.021. - Registration and tags for dogs and cats.

- (A) Any person owning a dog or cat that is four (4) months old or older within City limits must have such dog or cat vaccinated for rabies.
- (B) Any person owning a dog or cat that is four (4) months old or older within City limits must register such dog or cat with the city as herein provided.
- (C) Written application for registration shall be made by mail or in person to the DCO, which shall include name, phone number, and street address of applicant, description of the animal, the appropriate fee and valid rabies vaccination certificate issued by a licensed veterinarian or anti-rabies clinic, and date of rabies vaccination. The rabies vaccination certificate shall be considered valid if the vaccine used and the vaccination process complies with the Texas Health and Safety Code, Chapter 169, as amended.
- (D) A registration fee shall be paid annually for each dog and cat being kept within the city. Each registration is valid for one year from the date of issuance. Exception: If proof is provided that the animal to be registered received a three-year rabies vaccination, the registration fee shall be paid and the registration is valid for three years from the date of issuance.
- (E) Application for a registration shall be made within 30 days after obtaining a dog or cat over four months of age, after locating a dog or cat over four months of age within the city, or from the time a dog or cat reaches four months of age, whichever comes earlier. This requirement does not apply to a nonresident keeping a dog or cat within the city for a period of less than 60 days.
- (F) Upon acceptance of the registration application and fee, the DCO shall issue a durable tag, stamped with an identifying number and the year of issuance, except as provided in article VI of this chapter. Tags shall be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.
- (G) Dogs and cats must wear city registration tag at all times when off the premises of the owner.
- (H) The DCO shall maintain a record of the identifying number of all tags issued for a period of three years from the date of issuance.

Sec. 91.022. - Duty of persons performing vaccinations.

- (A) Each duly licensed veterinarian, after vaccinating any animal within the City, shall sign a certificate in duplicate containing the following information:
  - (1) The name and address of the owner of the vaccinated animal;
  - (2) The type of vaccine used, the approved duration of the vaccine used and the date of the vaccination;
  - (3) The year and identification number of the rabies vaccination tag;
  - (4) The breed, age, color and sex of the vaccinated animal; and
  - (5) Such other information as the DCO may require.
- (B) The veterinarian shall immediately present one copy of the certificate to the owner of the vaccinated animal. The veterinarian, for future reference, shall retain the duplicate copy of the certificate.

Sec. 91.023. - Requirement; duplicate tags, fee, non-transference.

- (A) Every animal owner shall be required to provide said animal with a collar for the tag to be constantly worn when off the premises of the owner.
- (B) In case an animal tag is lost or destroyed, upon presentation of the receipt showing the payment of the registration fee for the calendar year and the payment of a duplicate tag fee, a replacement tag will be issued.
- (C) A tag shall not be transferable from one animal to another and no refund shall be made on any animal registration fee for any reason.

Sec. 91.024. - Exceptions to registration fee.

The provision of this chapter requiring the registration of dogs and cats shall not apply to the following:

- (A) Dogs or cats brought in the city exclusively for the purpose of entering the same in any show or exhibition, and which are actually entered in and kept at such shown or exhibition.
- (B) Dogs duly and properly trained to aid or assist the disabled when such dogs are actually being used for this purpose. Dogs or cats kept in qualified institutions, approved by the DCO, for teaching or research purposes.
- (C) Government-assigned police dogs.

Sec. 91.025. - Removal of tags.

The following acts are prohibited and hereby declared unlawful:

- (A) The counterfeiting of dog or cat registration or tags;
- (B) The removal of dog or cat registration or tags from any dog or cat by any person other than the owner; and
- (C) The willful and malicious destruction of dog or cat registration tags by any person other than the owner.

Sec. 91.026. - False statements.

- (A) Any false statement in a rabies certificate or application for an animal registration, issued for such animal, shall be considered invalid and shall subject such animal to being impounded in accordance with the rules and regulations set out in this chapter.
- (B) Any person who knowingly makes a false statement in any application, affidavit or other document required by this chapter or any regulation prescribed hereby shall be deemed guilty of a misdemeanor.

Sec. 91.027. - Receipt; certificate; failure to exhibit.

No person keeping or harboring an animal for which registration is required, shall fail to exhibit a registration receipt, certificate of vaccination, or exemption status as required by this chapter upon demand by the DCO or Animal Services Officer.

ARTICLE IV. RABIES CONTROL; QUARANTINE.

Sec. 91.028. - Veterinarians to report rabies.

Every veterinarian or other person who is called to examine or professionally attend to any animal within the city having any case of rabies shall, within 24 hours thereafter, report in writing to the Local Rabies Control Authority of the city the following facts:

- (A) The location of infected animal;
- (B) The name and address of the owner thereof; and
- (C) The name and address of any person known to have been exposed to such animal.

Sec. 91.029. - Quarantine of animals.

- (A) An animal suspected of having rabies must be quarantined at the Animal Shelter or at a veterinary hospital with facilities to provide quarantine services, for a period of ten (10) days. The 10-day period begins at the time of the exposure or suspected event. All quarantine expenses shall be the responsibility of the animal owner. An animal shall be suspected of having rabies under any or all of the following conditions:

- (1) The animal has bitten or scratched a person causing an injury that has broken the skin;
  - (2) The animal is showing signs of rabies;
  - (3) A licensed veterinarian suspects that the animal has rabies;
  - (4) The Local Rabies Control Authority has reasonable suspicion based upon probable cause that the animal has rabies.
- (B) A home quarantine may be approved by the Local Rabies Control Authority under the following conditions:
- (1) A suitable place in the home can be provided to limit contact with the animal to only one member of the household, that household member being over the age of 18;
  - (2) No other animals are being kept inside the home;
  - (3) Owner agrees to provide access to an Animal Services Officer for observation during the quarantine period at least on the first and last day;
  - (4) The animal is currently vaccinated for rabies; and
  - (5) The animal was not at large at the time of the bite or scratch.
- (C) If an animal dies while quarantined for rabies or has been determined to have rabies, the Local Rabies Control Authority shall send the head of the animal to the Texas Department of State Health Services laboratory for examination. The owner of an animal which is being euthanized and submitted for testing shall pay all fees related to the testing, quarantine and euthanasia, if applicable.
- (D) An animal may be destroyed or be deemed abandoned upon failure of the owner to pay all fees and reclaim the animal within seventy-two (72) hours from the end of the quarantine period.

Sec. 91.030. - Authorization for quarantine.

- (A) In the event a potential outbreak of rabies is suspected and the danger to public safety from rabid animals is reasonably imminent, the Local Rabies Control Authority is hereby authorized to issue a quarantine proclamation ordering persons owning, keeping or harboring any animal to muzzle the same or confine it as herein provided for such time as may be specified in such quarantine proclamation.
- (B) Upon the publication of such proclamation by the Local Rabies Control Authority, any persons keeping or harboring any animal shall restrain the animal from running at large

except that such animal is under the control of an adult person and on a leash, may do so only if the animal is effectively muzzled.

- (C) The Local Rabies Control Authority may destroy any animal found at large during the time specified by the Local Rabies Control Authority in the quarantine proclamation, if the Local Rabies Control Authority is unable to apprehend such animals for impoundment.

#### ARTICLE V. IMPOUNDMENT; REDEMPTION; ADOPTION OR RESCUE.

##### Sec. 91.036 - Violation notices; impounding.

- (A) Dogs or cats found at large or animals creating a public nuisance as defined in this chapter shall be taken by an Animal Services Officer or the DCO and impounded in the animal shelter and there confined.
- (B) If by a city registration tag or other means, the owner of an impounded animal can be identified, the DCO or Animal Services Officer shall, within a reasonable time, notify the owner by telephone or mail of the location of the impounded animal.
- (C) The mailing of a certified letter, return receipt requested, to the address on the city registration of the owner, shall be deemed sufficient notice, whether the owner receives the same or not.
- (D) Any animal not reclaimed by its owner within ten (10) working days of the date the DCO mails a certified letter to the owner shall become the property of the city, and may be adopted or euthanized.
- (E) Any impounded animal which is not wearing a form of owner identification shall become the property of the city after three working days and shall be adopted or euthanized.
- (F) The city reserves the right to euthanize any animal immediately to prevent the suffering or further injury of such impounded animal. The city also reserves the right to euthanize any animal which poses a threat to public health and safety.
- (G) In addition to or in lieu of impounding an animal found at large the DCO or Animal Service Officer may issue to the owner of such animal a citation for each separate violation of this chapter.

##### Sec. 91.037. - Right of entry upon unenclosed premises to seize animals at large.

The DCO and Animal Services Officers of the city are hereby given the power and authority, and it is declared to be their duty, to go upon unenclosed public or private property for the purpose of taking and impounding any animal found at large thereon or staked out or grazed there contrary to the provisions of this chapter.

Sec. 91.038. - Uncared for animals may be impounded.

Whenever the DCO or Animal Services Officer finds that an animal is or will be without proper care because of injury, illness, incarceration or other involuntary absence of the person responsible for the care of such animal, the DCO or Animal Services Officer may impound such animal.

Sec. 91.039. – Euthanasia of certain animals.

Any animal impounded or found at large within the city may be euthanized by the DCO or Animal Service Officer upon determination that such animal is sick or endangers the health of other animals or persons, or if such animal is suspected of having rabies, or manifesting a disposition to bite or attack when found at large, or as deemed necessary by the DCO.

Sec. 91.040. - Confinement of animals by an individual.

- (A) If an animal is found upon the premises of another person, the occupant of the premises may confine the animal. Within a reasonable time after confining the animal, the occupant shall notify the DCO or Animal Services Officer and shall thereupon release the animal to an Animal Services Officer.
- (B) Any person confining any domestic animal found at large or contrary to the provisions of this chapter shall surrender such animal to the DCO or Animal Services Officer upon demand.

Sec. 91.041. - Unauthorized impoundment of animals; offering rewards for impoundment.

It shall be unlawful for any person, other than an Animal Services Officer of the city or the DCO, or a humane organization approved by the DCO, to engage in the catching or impounding of animals, except as provided in sections 91.014 and 91.040, nor shall any reward be given for such catching or impounding. Any person authorized to catch and impound animals offering a reward of any kind whatsoever, to any person, shall be deemed guilty of violating this chapter.

Sec. 91.042. - Redemption of animals.

- (A) Except as provided in article VI of this chapter, the owner of any animal delivered to the animal shelter and impounded shall be entitled to reclaim their animal, provided such animal is not infected or thought to be infected with rabies or any other infectious or contagious disease, and upon the payment of all applicable animal shelter fees, including current pet registration. An animal may be released to the City in lieu of paying applicable animal shelter fees, but the owner shall be responsible for paying owner release fees.
- (B) The DCO or Animal Services Officer shall deliver animals required to be vaccinated for rabies under this chapter to a veterinary clinic for rabies vaccination before being released to the owner. The veterinary clinic must be located within the city unless approved by the DCO.

- (C) The owner of an animal impounded in the animal shelter shall be required to redeem the same as provided for in subsection (A) of this section and shall not be permitted to adopt such animal in lieu of paying the reclaim fee.
- (D) Only City of Carrollton residents may release their pets to the animal shelter upon payment of an owner release fee. Additional fees will apply for animals released for euthanasia.
- (E) It shall be unlawful to remove animals from the animal shelter except in accordance with the procedures established herein and the regulations established by the DCO.
- (F) Additional cost for impoundment may apply if a special vehicle or special handling equipment is required.
- (G) The DCO may refuse release of any animal impounded at the animal shelter if it is determined that such owner may not provide sufficient care as outlined in this chapter.

Sec. 91.043. - Adoption of animals.

- (A) A person who desires to adopt an animal from the City shall:
  - (1) Pay the adoption fee for each animal adopted; and
  - (2) If the pet is over the age of four months, the person shall submit proof within thirty (30) days from the adoption date that the pet is vaccinated for rabies and is spayed or neutered.
- (B) Animals under the age of four months shall be adopted only if the adopter signs a contract specifying the dates by which the animal shall be spayed or neutered and vaccinated for rabies. Failing to comply with the terms of the adoption contract shall constitute violation of this section.
- (C) Failure of an adopter to comply with the terms outlined in this section shall result in the refusal by the DCO to release the adopted animal still in the possession of the animal shelter.
- (D) The DCO reserves the right to refuse to adopt any animal if the adoption may create a risk to the animal's health and safety. The DCO is the sole authority for making such determinations.

Sec. 91.044. - Animal rescue.

- (A) Only those animals scheduled for euthanasia may be rescued from the city animal shelter unless otherwise approved by the DCO. Individuals or groups desiring to rescue animals must register with the City by complying with the following:

- (1) Provide a written verification of affiliation with a non-profit animal rescue and/or adoption organization annually; and
  - (2) Provide a list of group members approved to rescue animals from the shelter; and
  - (3) Provide a valid Federal Tax Identification number or copy of application for Federal Tax Identification number supporting a non-profit status annually; and
  - (4) Agree to sign a contract for each animal rescued agreeing to have such animal vaccinated for rabies and spayed or neutered.
- (B) Failure to comply with any provisions of this section shall void the animal rescue organization's registration and may eliminate the opportunity for the organization to participate in future rescues.
- (C) The DCO may refuse rescue participation for any reason, at any time, without prior notice to participating non-profit organizations.
- (D) Adoption or reclaim fees outlined in this chapter shall not apply to the rescue of impounded animals scheduled for euthanasia.

#### ARTICLE VI. DANGEROUS DOGS.

##### Sec. 91.050. - Dangerous dog determination.

For the purpose of this chapter, *dangerous dog* shall mean:

- (A) Any dog that has attacked or bitten any person more than once; or
- (B) Any dog that has attacked or bitten one person causing "serious bodily injury" including multiple bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional or would require hospitalization, without regard to whether the person actually sought medical attention.

##### Sec. 91.051. - Seizure of a dangerous dog.

- (A) The DCO may seize a dog that has been determined dangerous in accordance with section 91.050 of this chapter. Seizure of a dog under the provisions of this section must be supported by:
  - (1) A sworn complaint of any person, including an Animal Services Officer, that the dog has attacked more than one person or is responsible for causing serious bodily injury to a person by attacking, biting or mauling the person; or

- (2) Probable cause for the DCO to believe that the dog is responsible for biting more than one person or causing serious bodily injury to a person by attacking, biting or mauling the person.
- (B) The DCO shall determine that the dog is dangerous and seize the dog or order its seizure and shall provide for the impoundment of the dog in secure humane conditions until a hearing is conducted in municipal court to determine the final disposition of the dog.

Sec. 91.052. - Hearing.

- (A) The DCO shall schedule a hearing in municipal court, within ten business days from the date the dog was seized, to determine whether the dog is responsible for biting more than one person or causing serious bodily injury to a person. The intent of this hearing is to determine if the dangerous dog should be released to the owner or immediately euthanized.
- (B) The DCO 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 complaint; and
  - (3) The victim of the attack.
- (C) Any interested party, including the owner of the dog, the DCO, Animal Services Officer, City Attorney or designee, or the person signing the complaint, is entitled to present evidence at the hearing.
- (D) The court may order the dangerous dog euthanized if the court finds that the dog caused serious bodily injury to a person by attacking, biting or mauling the person or if the dangerous dog poses a significant threat to public health and safety. If this finding is not made, the court may order the dangerous dog released to:
  - (1) Its owner;
  - (2) The person from whom the dog was seized; or
  - (3) Any other person authorized to take possession of the dog.
- (E) The court may not order the dog euthanized if the court finds that the dog caused serious bodily injury to a person by attacking, biting or mauling the person in the following manner:
  - (1) The dog was being used for the protection of a person or person's property and the attack, bite or mauling occurred in an enclosure in which the dog was being kept;

- (2) The enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own and provided notice of the presence of a dog;
- (3) The injured person was at least ten years of age and was trespassing in the enclosure when the attack, bite or mauling occurred;
- (4) At the time of the bite, attack or mauling the dog was not in violation of any of the provisions of this chapter; and
- (5) The dog was being used by a peace officer for law enforcement purposes pursuant to the Texas, Health and Safety Code § 822.003, as amended.

Sec. 91.053. – Euthanasia of a dangerous dog.

- (A) The order to euthanize a dangerous dog shall result in the euthanasia of the dangerous dog not later than twenty-four (24) hours from the time the order was issued by the court.
- (B) The euthanizing of the dangerous dog under this section must be completed by:
  - (1) A licensed veterinarian; or
  - (2) An Animal Services Officer who is trained in the humane euthanasia of animals.

Sec. 91.054. - Release of dangerous dog.

- (A) The owner of any dangerous dog released under the provisions of section 91.033 must comply with the following:
  - (1) Provide proof that a liability insurance policy has been obtained for the dangerous dog in the amount of at least \$100,000;
  - (2) Maintain liability insurance policy required in this section at all times;
  - (3) Register the dog each year on or before the anniversary of the date of release as a dangerous dog with the city for an annual fee. The animal shelter will provide a registration tag to the owner, which must be placed and remain on the dog's collar, which collar must be worn by the dog at all times;
  - (4) Provide an enclosure for the dangerous dog, which is of sufficient strength to reasonably prevent the dog from escaping. This enclosure must be inspected and approved by the DCO before the release of a dangerous dog; and
  - (5) Post signs giving notice of a dangerous animal in the area or on the premises in which the animal is confined. The signs shall be conspicuously posted at both the front and rear property entrances and at any entrance to the dog's enclosure and shall bear letters not less than two (2) inches high, stating "DANGEROUS ANIMAL ON PREMISES."

- (B) The owner shall have twenty (20) days to provide proof of compliance with this section before the dog will be released to the owner. Failure to comply within 20 days will result in the dog being humanely euthanized as outlined in section 91.053. The owner reclaiming a dangerous dog must also comply with the following:
- (1) Dangerous dogs reclaimed by their owner must be kept in a secure location on the owner's property. The DCO must approve this location before such animal is released to their owner;
  - (2) Must maintain current rabies vaccination for the dangerous dog; and
  - (3) Must ensure dangerous dog remains in an approved enclosure when not in the control of owner by means of leash, chain or lead of sufficient strength to maintain control of such dog.
- (C) A person commits an offense by violating any of the provisions outlined in this section.

#### ARTICLE VII. WILD OR VICIOUS ANIMALS.

##### Sec. 91.055. - Keeping of wild animals.

- (A) For the purpose of this chapter, *wild animal* shall mean any mammal, amphibian, reptile or fowl which is not naturally tame or gentle, but it is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property if not kept or maintained in a safe manner or in secure quarters. Wild animals shall include, but shall not be limited to, lions, tigers, leopards, panthers, bears, wolves, wolf hybrids, coyotes, raccoons, skunks, bobcats, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, skunks, opossums, and all forms of poisonous reptiles and other like animals. The term shall not be deemed to include domestic dogs or domestic cats.
- (B) No person shall keep or permit to be kept on their premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously, or for a fee, or as a pet within the city limits. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.
- (C) It shall be unlawful for anyone to allow any wild animal to be at large outside of its secure quarters or cage. In the event such animal is discovered outside of its secure quarters or cage, it shall be presumed that the person who owns, raises, or keeps the same, willfully allowed it to roam at large outside of the cage.
- (D) Any wild animal that is found at large may, at the discretion of the DCO or Animal Services Officer, be impounded.

- (E) Any wild or vicious animal impounded or found at large within the city may be euthanized by the DCO or Animal Service Officer upon determination that such animal is sick or endangers the health of other animals or persons, or if such animal is suspected of having rabies, or manifesting a disposition to bite or attack when found at large, or as deemed necessary by the DCO.

#### ARTICLE VIII. LIVESTOCK.

##### Sec. 91.056. - Maximum number permitted.

- (A) No livestock shall be kept on any residentially zoned lot or tract unless the following conditions are met:
  - (1) Lot or tract must contain at least one acre;
  - (2) A pen or enclosure is provided which is at least 200 feet from the nearest dwelling owned or occupied by others; and
  - (3) Not more than one head of livestock per acre is kept.
- (B) Lots or tracts exceeding five (5) acres may contain a combined total of three livestock per acre, if such pen is located at least 400 feet from any business building or dwelling owned or occupied by any person other than the owner of said livestock provided that the lot or tract is not zoned residential and is approved by the city's Comprehensive Zoning Ordinance for the keeping of livestock.
- (C) The provisions of this section shall not apply to commercial animal establishments operated in accordance with the city's Comprehensive Zoning Ordinance.

##### Sec. 91.057. - Care and keeping of livestock; general regulations.

- (A) Every owner, caretaker or user of livestock within the city limits shall be required to observe the following rules, regulations, terms and conditions in connection with the care and keeping of such animal:
  - (1) All stables or other enclosures in which such livestock is kept and the ground upon which the same is situated shall be kept and maintained in a clean and sanitary condition.
  - (2) All stables and fences surrounding such lot or pen where livestock is kept and the feed troughs with which such animals are fed and watered shall be free from any projection or thing whereon or whereby such animals may be injured.
  - (3) All livestock shall be fed with a quality of good, wholesome food sufficient to keep them in a well-nourished condition, and such food shall be served to such animals in a clean, sanitary manner.

- (4) All livestock shall be provided with pure, clean water in sufficient quantities at all times.
  - (5) Injured, sick or malnourished livestock shall be provided with sufficient medical care needed to promote good health and prevent suffering.
  - (6) A minimum shelter of 100 square feet under a roof shall be provided for each head of bovine or equine livestock and a minimum shelter of 40 square feet under a roof, for each head of sheep, goats or swine.
  - (7) Any boarding stable, riding school or academy shall contain at least 400 square feet of space, to include 100 square feet under a roof, for each head of equine stock kept or maintained on the premises.
  - (8) All livestock shall be securely contained on permitted property by fence of sufficient height and strength to prevent their escape.
- (B) This section shall not prohibit the temporary possession of livestock by veterinary hospitals or the temporary exhibition of cattle at fairgrounds or stock shows; provided, however, that the person in charge of such cattle shall not be relieved of the operation of any provision of this Code governing sanitary conditions, nuisances, or noise which may be applicable to cattle, nor shall this section apply to cattle being kept by a qualified institution, approved by the DCO, for teaching and research purposes.

Sec. 91.058. - Sanitation regulations.

- (A) Standings shall be constructed of concrete, compacted caliches or other equally impervious material that can be easily cleaned where bovine, equine, swine, goat or sheep are kept; or any other livestock when kept for commercial purposes. Such standings shall be located under roofed areas.
- (B) All manure and other animal waste from livestock shall be removed from pens, corrals or standings at least once each day. This material shall be deposited in a manure storage bin of concrete, metal or other construction approved by the DCO and shall be removed from this bin at least once each week to a disposal site approved by the DCO.
- (C) It shall be unlawful to permit or allow fly breeding on premises on which livestock are kept.
- (D) In no event or circumstance shall any manure be deposited in any street or public place, or allowed to remain in such places. No person hauling manure through the streets shall permit the same to litter the street.
- (E) In no event or circumstance shall any manure be deposited in or within 100 feet of any natural watercourse in the city.

Sec. 91.059. - Potbellied pigs; requirements.

- (A) For the purpose of this section, *potbellied pigs* shall refer to a variety of swine that is no more than 18 inches in height at shoulder level when fully grown, has short ears, and a straight tail. No swine shall be considered a potbellied pig if its weight exceeds 60 pounds, or it is registered with a licensed breeder.
- (B) It shall be unlawful for any person to keep, harbor or raise more than two adult potbellied pigs in any one dwelling unit within the city.
- (C) It shall be unlawful for any person to keep a potbellied pig outdoors other than at those times necessary for the elimination of waste materials or exercise. Potbellied pigs are subject to all applicable sections of this chapter including the requirements of this chapter which prohibit animals at large.
- (D) It shall be unlawful for any person to keep, harbor or raise a potbellied pig which has not received annual vaccinations for erysipelas, parvo virus and leptospirosis (the first of which vaccinations shall be obtained before the animal reaches the age of four (4) months). It shall be the responsibility of the owner or caretaker of the potbellied pig to forward to the DCO, within fourteen (14) days of vaccination, a certificate from a licensed veterinarian which shall include the following information:
  - (1) Name, street address and phone number of the owner,
  - (2) Name, street address, and phone number of the licensed veterinarian issuing the certificate,
  - (3) Name and description of the animal,
  - (4) Types and dates of vaccinations,
  - (5) Tag numbers,
  - (6) Approximate weight, height and age of the animal, and
  - (7) Animal's general health.
- (E) It shall be unlawful for any person to keep a potbellied pig at any location within the city unless such person has first paid a registration fee and filed a registration application with the DCO. The application and vaccination history for each potbellied pig as outlined in subsection (D) of this chapter must be approved by the DCO before a person may keep a potbellied pig.
- (F) Should the potbellied pig die, be moved or be acquired by a new owner or caretaker, it shall be the registered owner's duty to inform the DCO of this fact within fourteen (14) days of the event.

Sec. 91.060. - Exceptions.

- (A) Where livestock, fowl or pets are kept in medical laboratories or educational institutions for medical research, in veterinarian hospitals for treatment, or on the premises of a humane society recognized by the S.P.C.A, such livestock, fowl or pet shall be kept under conditions prescribed by the DCO for such limited purpose without the necessity of compliance with the distance and structural requirements prescribed in this chapter.
- (B) Where any livestock, fowl or pets are being kept at a location outside the city limits and by the annexation proceedings the area becomes part of and within the boundaries of the incorporated area of the city, the provisions limiting the number and regulating the distance from the premises to other persons shall not apply for a period of three (3) years from the date of annexation, unless otherwise exempted under this chapter.

ARTICLE IX. AUTHORITY OF ENFORCEMENT.

Sec. 91.067. - Inspections.

- (A) In compliance with the Constitution of the United States, the Texas Constitution, and the Texas Penal Code, whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Code or other applicable law, or whenever the DCO has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, the DCO is hereby authorized to enter such property at any reasonable time and to inspect the same and to perform any duty imposed upon the DCO by this Code or other applicable law, provided that if such property be occupied, he shall first present proper credentials to the occupant and request to enter explaining his reason therefore.
- (B) Subject to the provisions of the Constitution of the United States and the Texas Constitution, if the DCO has reasonable cause to believe that the keeping or the maintaining of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public's health and safety, he shall have the right immediately to enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether or not permission to inspect has been obtained. If the property is occupied, he shall first present proper credentials to the occupant and demand entry, explaining the reasons therefore and purpose of the inspection.
- (C) No person shall fail or refuse, after proper demand has been made upon him as provided in this section to permit the DCO to make any inspection.
- (D) The applicant's acceptance of any permit issued pursuant to this section does thereby provide consent and the permit holder agrees to the entry upon the premises described in the permit by the DCO or Animal Services Officer for the purpose of conducting such inspections as are required by this chapter and other applicable state law.

Sec. 91.068. - Authority to carry firearms.

- (A) Animal Service Officers, when acting in the course and scope of their employment, shall be and are hereby authorized to carry on their persons or in the City vehicles loaded firearms or weapons of a type and caliber approved by the DCO for animal control and not in violation of any provision of the Texas Penal Code or other applicable law.
- (B) Each Animal Services Officer shall receive initial and recurrent training in the use of any type of firearm or tranquilizing gun approved by the DCO, in order to establish and assure satisfactory proficiency in the use of such weapons.

Sec. 91.069. - Police powers in enforcing this chapter.

The DCO and the Animal Service Officers shall have authority to enforce this chapter and other ordinances of the city relating to animals.

Sec. 91.070. - Notice of violations.

All duly appointed and qualified Animal Services Officers and the DCO are authorized to issue written notices to persons violating this chapter or any other ordinance governing the regulation of all animals within the city.

Sec. 91.071. - Additional authority.

- (A) In addition to any authority derived elsewhere, appropriate city personnel, including the DCO and Animal Services Officers, are expressly empowered and authorized to go upon public and private premises for the purpose of the enforcement of this chapter, state statutes and the Texas Penal Code relating to animals, when necessary to protect the health, welfare and safety of the inhabitants of the city.
- (B) It shall be unlawful for any person to hinder, resist or oppose the DCO or Animal Services Officer in the performance of their duties under this subchapter or conceal or secrete any animal from any such officer or person.

Sec. 91.072. - Penalty.

It shall be unlawful for any person to violate any of the provisions of this chapter or of the Code of Ordinances as amended hereby, and any such violation shall be deemed to be a misdemeanor and, upon conviction of such violation, such person shall be punished by a penalty of fines as set forth in section 10.99 for each offense. Each and every day, any such violation shall continue shall be deemed to constitute a separate offense.”

### SECTION 3.

Subsection (D) (1), of Section 31.01, Establishment of Fees for City Services, of Chapter 31, Comprehensive Fee Schedule, of Title III, Administration, of the Carrollton Code of Ordinances is amended to read as follows:

#### (D) *Environmental Health Department*

##### (1) **Animal Services Division**

City registration fees	
Dogs and cats, unaltered	\$20.00/year
Dogs and cats, neutered or spayed	\$5.00/year
Dangerous dogs	\$50.00/year
Potbellied Pigs	\$10.00/year
Duplicate (replacement) license tags	\$2.00/each
Adoption fee	\$10.00/animal
Overnight boarding fee	\$10.00/day
Quarantine fee	\$10.00/day
1 <sup>st</sup> impoundment within a 12-month period	\$10.00
2 <sup>nd</sup> impoundment within a 12-month period	\$50.00
3 <sup>rd</sup> or more impoundment within a 12-month period	\$100.00
Livestock impound fee	\$50.00/head
Feed and care for livestock	\$15.00/day
Owner's release to City	\$20.00
Home quarantine checks for two visits	\$30.00
Euthanasia of animals	\$20.00
Rabies testing	\$40.00
Veterinary clinic dead animal removal service	\$50.00/month
Permit to keep chickens	\$20.00/year

### SECTION 4.

Any person, operator, owner, manager or responsible person violating a provision of this Ordinance upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code, as amended.

### SECTION 5.

If any section, subsection, sentence, paragraph, clause, phrase or provision in this Ordinance, or application thereof to any person or circumstance, shall be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 6.**

Except as herein amended, Chapter 91, Animals, and Chapter 31, Comprehensive Fee Schedule, of the Code of the Carrollton Code of Ordinances, as amended, shall remain in full force and effect. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified, and affirmed.

**SECTION 7.**

This ordinance shall become and be effective on and after its adoption and publication.

**DULY PASSED AND APPROVED** by the City Council of the City of Carrollton, Texas, this 6<sup>th</sup> day of January, 2015.

CITY OF CARROLLTON, TEXAS



Matthew Marchant, Mayor

ATTEST:



Krystle Nelinson, City Secretary



APPROVED AS TO FORM:



Meredith A. Ladd, City Attorney

APPROVED AS TO CONTENT:



Scott Hudson, Environmental Services Director