

CHAPTER 2

ANIMAL CONTROL

ARTICLE 2.01 GENERAL PROVISIONS^{*}

Sec. 2.01.001 Definitions

The following words and phrases shall have the following meanings, unless the context clearly indicates otherwise:

Animal control officer. An employee of the city or a designated contractor responsible for enforcement of this chapter.

At large. Not under the immediate physical control of a person by means of a leash, rope, or fenced enclosure.

Cat. A domestic feline.

Chief of police. The chief of police of the city, and includes representatives, agents, or city employees designated by the chief of police to enforce or administer this chapter.

City manager. The city manager of the city, and includes representatives, agents, or city employees designated by the city manager to enforce or administer this chapter.

Dog. A domestic canine.

Owner. A person owning, keeping, or exercising control over an animal, or harboring an animal for more than three (3) days.

(1996 Code, sec. 2.101)

Sec. 2.01.002 Animal control officer

There is hereby created the office of animal control officer for the city. The animal control officer shall be employed by and under the direction and control of the chief of police or shall be a responsible professional agency performing the functions of animal control in accordance with this chapter by contract with the city. In either case, the animal control officer or contracting entity, or their agents or employees, shall have those duties and responsibilities as provided herein. (1996 Code, sec. 2.102)

Sec. 2.01.003 Administration and enforcement

The chief of police shall be charged with the administration and enforcement of this chapter unless otherwise specified. (1996 Code, sec. 2.103)

Sec. 2.01.004 Keeping livestock or wild animals prohibited

A person commits an offense if he possesses, keeps, or harbors a cow, calf, hog, pig, goat, horse, colt, bear, lion, fox, wildcat, jaguar, cheetah, bobcat, wolf, jackal, leopard, hyena, raccoon, skunk, ocelot, monkey, or any other wild animal in the city. (1996 Code, art. 2.200)

State law reference—Dangerous wild animals, V.T.C.A., Health and Safety Code, sec. 822.101 et seq.

Sec. 2.01.005 Keeping fowl prohibited

A person commits an offense if he possesses, keeps, or harbors a chicken, rooster, chick, turkey, duck, duckling, pigeon, or any other fowl within the city. (1996 Code, sec. 2.301)

Sec. 2.01.006 Keeping venomous reptiles

(a) Generally. A person commits an offense if he possesses, keeps, or harbors a venomous reptile within the city. A school, university or YMCA may possess a venomous reptile pursuant to a permit issued by the city council according to the terms in subsection (b) of this section.

(b) Issuance of permit.

(1) A school, university or YMCA desiring to keep a reptile or reptiles as provided in subsection (a) of this section shall first make application to the city manager, giving the following information:

- (A) The name and address of the applicant;
- (B) A description of the facilities designed for keeping the reptile or reptiles;
- (C) The number and kind of reptiles; and
- (D) The purpose for which the reptile or reptiles are being kept.

(2) The city manager shall present the application to the city council at a regular meeting. If the city council approves the application, the city manager shall issue a permit for the keeping of such reptiles in accordance with the approval of the city council.

(c) Revocation of permit. The permit may be revoked by the city council upon a showing that the keeping of the reptile or reptiles is adversely affecting neighboring property because of unreasonable odor, or is creating an unreasonable danger to persons occupying or using the neighboring property.

(1996 Code, art. 2.000)

Sec. 2.01.007 Keeping bees

A person commits an offense if he possesses, keeps or harbors bees in a beehive when such beehive is located within one hundred feet (100') of a lot used for residential purposes other than the lot of the possessor of such hive. (1996 Code, art. 2.500)

Sec. 2.01.008 Noisy animals

The owner of a dog, cat or other animal commits an offense if he allows such animal by unreasonable barking, howling or other noise to cause unreasonable discomfort to a person of ordinary sensibility. (1996 Code, sec. 2.603)

ARTICLE 2.02 DOGS AND CATS

Division 1. Generally

Sec. 2.02.001 Vaccination

(a) Required. The owner of each dog or cat more than four (4) months old in the city shall have such dog or cat immunized annually with an anti-rabies vaccine by a person licensed to practice veterinary medicine by the state. Such owner shall obtain from such veterinarian:

(1) A certificate of vaccination stating the name and address of the owner, the name, sex and breed of the dog or cat, and the date of vaccination; and

(2) A vaccination tag.

(b) Possession of unvaccinated animal prohibited. An owner commits an offense if he possesses within the city a dog or cat which has not been vaccinated within the preceding twelve (12) month period according to the requirements contained in subsection (a) above. Each day an owner possesses such dog or cat shall constitute a separate offense. The failure or refusal of an owner to produce to the animal control officer, upon request, a current certificate of vaccination shall constitute prima facie proof that such dog or cat has not been vaccinated according to the requirements contained in subsection (a) above.

(1996 Code, sec. 2.607)

State law references—Rabies vaccinations, V.T.C.A., Health and Safety Code, sec. 826.021 et seq.

Sec. 2.02.002 Licensing

(a) Required. The owner of each dog or cat more than four (4) months old in the city shall obtain a license for such dog or cat from the city manager or his designee. At the time of application for such license, the owner shall present the certificate of vaccination specified in [section 2.02.001\(a\)](#), and pay a licensing fee for each dog and cat.

(b) Possession of unlicensed animal prohibited. A person commits an offense if he possesses within the city a dog or cat which has not been licensed according to subsection (a) above. The failure or refusal of an owner to produce to the animal control officer, upon request, a current license tag shall constitute prima facie proof that such dog or cat has not been licensed according to the requirements contained in subsection (a) above.

(1996 Code, sec. 2.608)

State law reference—Registration of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.031 et seq.

Sec. 2.02.003 Tags

(a) Issuance. Upon the presentation of the vaccination certificate and payment of the licensing fee, the city manager or his designee shall issue to the owner a license tag. The tag shall be so marked as to indicate the period of time such license is valid. The license tag shall be valid for a period of one (1) year. The license tag and vaccination tag shall be affixed to a collar, which shall be attached to the animal's neck and worn by such animal at all times.

(b) Lost or destroyed tags. In the event a license tag is lost or destroyed, a duplicate shall be issued by the city manager upon presentation of a receipt showing payment of the license fee. The duplicate license tag shall be valid only for the period of time that remains on the original license receipt.

(1996 Code, sec. 2.609)

Sec. 2.02.004 Maximum number of dogs and cats

An owner, other than the proprietor of an animal clinic or pet shop, commits an offense if he possesses more than three (3) dogs or three (3) cats, over six (6) months of age, within the city. For the purpose of this section, there may be no more than one (1) owner within a residential dwelling unit. (1996 Code, sec. 2.604)

Sec. 2.02.005 Dogs running at large

The owner of a dog commits an offense if he permits such dog to run at large in the city or if he fails, by whatever means are necessary, to prevent such dog from running at large in the city. A dog found at large

within the city shall be prima facie evidence of a violation of this section and that the owner of such dog failed to prevent such dog from running at large in the city. (1996 Code, sec. 2.601)

State law reference—Restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.033.

Sec. 2.02.006 Dogs prohibited in food establishments

The owner of a dog or the proprietor or manager of an establishment where food items are sold or offered for sale or consumption on or off the premises commits an offense if a dog is permitted to enter or remain in such food establishments. This section shall not apply to service animals individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. (Ordinance adopting Code)

Sec. 2.02.007 Dogs on school property or adjacent public property

A person commits an offense if, without the express permission of an authorized school official, he or she allows, suffers, permits a dog under his or her ownership, custody, or control to go on or be on any school grounds or other property of the Highland Park Independent School District, or any private preschool, kindergarten, primary or secondary school, at any time, or to go on or be on any sidewalk, parkway or public property abutting school while school is in session. (1996 Code, sec. 2.606)

Secs. 2.02.008–2.02.040 Reserved

Division 2. Dangerous Dogs^{*}

Sec. 2.02.041 Definitions

In this division:

Animal control authority. The animal control officer of the city.

Dangerous dog. A dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than the enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Dog. A domesticated animal that is a member of the canine family.

Owner. A person who owns or has custody or control of the dog.

Secure enclosure. A fenced 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 a dog;

(4) Clearly marked as containing a dangerous dog; and

(5) In conformance with the requirements for enclosures established by this Code of Ordinances.

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

(1996 Code, sec. 2.605(a))

Sec. 2.02.042 Authority to order seizure

The municipal court shall order the animal control officer to seize a dog and shall issue a warrant authorizing the seizure:

(1) On the sworn complaint of any person that the dog has caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person; and

(2) On showing of probable cause to believe that the dog caused the death of or serious bodily injury to the person as stated in the complaint.

(1996 Code, sec. 2.605(b))

Sec. 2.02.043 Impoundment of seized dog

The animal control officer shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog. (1996 Code, sec. 2.605 (c))

Sec. 2.02.044 Disposition of seized dog

After notice and a hearing as required by section 822.003 of the Texas Health and Safety Code, the court may order the disposition of the dog, including its destruction as provided by section 822.004 of the Health and Safety Code, provided that provocation or location of an attack by a dog that causes a person's death or serious bodily injury shall be irrelevant in such proceeding. (1996 Code, sec. 2.605(d))

Sec. 2.02.045 Requirements for owner

(a) Not later than the thirtieth day after a person learns that the person is the owner of a dangerous dog, the person shall:

(1) Register the dangerous dog with the animal control authority;

(2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;

(3) Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority; and

(4) Comply with any applicable city or county regulations, requirements, or restrictions on dangerous dogs.

(b) The owner of a dangerous dog who does not comply with subsection (a) shall deliver the dog to the

animal control authority not later than the thirtieth day after the owner learns that the dog is a dangerous dog.

(c) If, on application of any person, the court finds, after notice and hearing as provided below, that the owner of a dangerous dog has failed to comply with this section, the court shall order the animal control authority to seize the dog and shall issue a warrant authorizing the seizure. The authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions.

(d) The owner shall pay any costs or fees assessed by the city related to the seizure, impoundment, and destruction of the dog.

(e) The court shall order the animal control authority to humanely destroy the dog if the owner has not complied with subsection (a) before the eleventh day after the date on which the dog is seized or delivered to the authority. The court shall order the authority to return the dog to the owner if the authority [owner] complies with subsection (a) before the eleventh day after the date on which the dog is seized or delivered to the authority.

(f) The court may order the humane destruction of a dog if the owner of the dog has not been located before the fifteenth day after the seizure and impoundment of the dog.

(g) For the purposes of this section, a person learns that the person is the owner of a dangerous dog when:

- (1) The owner knows of an attack described in this division;
- (2) The owner receives notice that a court has found that the dog is a dangerous dog; or
- (3) The owner is informed by the animal control authority that the dog is a dangerous dog.

(1996 Code, sec. 2.605(e))

Sec. 2.02.046 Determination that dog is dangerous

(a) If a person reports an incident described herein, the animal control authority may investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control authority determines the dog is a dangerous dog, it shall notify the owner of that fact.

(b) An owner, not later than the fifteenth day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control authority to the municipal court. An owner may appeal the decision of the municipal court in the same manner as appeals for other cases from the municipal court.

(1996 Code, sec. 2.605(f))

Sec. 2.02.047 Registration

The animal control authority shall annually register a dangerous dog if the owner presents proof of liability insurance or financial responsibility as required herein, current rabies vaccination of the dangerous dog, and the secure enclosure in which the dangerous dog will be kept, and pays an annual registration fee as adopted by city council. The animal control authority shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar. An owner of a registered dangerous dog shall notify the animal control authority of any attacks the dangerous dog makes on people. (1996 Code, sec. 2.605(g); Ordinance adopting Code)

Sec. 2.02.048 Attack by dangerous dog

A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked

attack on a person or an animal outside the dog's enclosure that causes bodily injury to the person or animal. Unless the attack causes serious bodily injury or death, any offense under this division shall be subject to the penalties provided herein. If a person is found guilty of an offense under this division, the court may order the dangerous dog destroyed by the animal control authority. In addition to criminal prosecution, a person who commits an offense under this division is liable for a civil penalty not to exceed \$10,000.00. Upon direction by the city manager or city council, the city attorney may file suit in court of competent jurisdiction to collect a penalty. Penalties collected under this section shall be retained by the city. (1996 Code, sec. 2.605(h))

Sec. 2.02.049 Violations; defenses

A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with the requirements hereof as to registration or the keeping of such dog or any other applicable city regulation relating to dangerous dogs. It shall be a defense to prosecution that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the city to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position. It shall further be a defense that the person is a dog trainer or an employee of a guard dog company licensed by the state. (1996 Code, sec. 2.605(i))

ARTICLE 2.03 IMPOUNDMENT*

Sec. 2.03.001 Dogs and cats running at large

It is the duty of the animal control officer to take possession of any dog found at large in the city, if the capture of such dog does not reasonably threaten the safety of the animal control officer, and to place such dog in the city animal shelter, in a veterinary clinic, or in some other suitable place. It is further the duty of the animal control officer to take possession of any dog or cat running at large within the city which has been temporarily impounded by any resident of the city and presented to the animal control officer. (1996 Code, sec. 2.611(a))

Sec. 2.03.002 Records; notice to owner

The animal control officer or chief of police, upon receipt of a dog, cat or other animal, shall make a registry of the type, breed, color, and sex of such animal and whether such animal is wearing a license tag. If licensed, he/she shall record the name and address of the owner and the number of the license tag. If the owner is known, he/she shall notify the owner of the impoundment either by telephone or in writing. (1996 Code, sec. 2.611(c))

Sec. 2.03.003 Redemption of impounded animal

An owner who desires to redeem an impounded animal shall make application to the chief of police during normal business hours for the redemption of such animal. The impounded animal shall be released to its owner upon:

- (1) Proof that the animal is vaccinated and licensed pursuant to the provisions of this chapter;
- (2) Payment of the impoundment fee specified in [section 2.03.004](#); and
- (3) Posting of an appearance bond for any municipal court citations issued for any alleged violations of this chapter.

(1996 Code, sec. 2.611(d))

Sec. 2.03.004 Fees

The city manager or his designee shall collect a fee for the impoundment of any animal, for observation for rabies or any other reason, prior to the release of such animal. The amount of the impoundment and other service or administrative fees shall be established by the city council in the master fee resolution of the city

from time to time. (1996 Code, sec. 2.611(e))

Sec. 2.03.005 Disposition of unredeemed animals; destruction of diseased animals

An impounded animal shall be kept for a minimum of seventy-two (72) hours, or a longer period at the discretion of the animal control officer. If an animal has not been redeemed during the impoundment period, the animal may be destroyed by the animal control officer or sold. If the animal is suffering from rabies or a disease or injury which cannot reasonably be treated without undue expense, the animal control officer shall destroy the animal. (1996 Code, sec. 2.611(f))

ARTICLE 2.04 RABIES CONTROL*

Sec. 2.04.001 Reporting of suspected rabid animal

A person who has knowledge of an instance where a dog, cat or other animal has bitten, scratched, or attacked a person, or has exhibited signs of rabies, shall immediately report such occurrence to the chief of police or the animal control officer. (1996 Code, sec. 2.610)

State law reference—Reports of rabies, V.T.C.A., Health and Safety Code, sec. 826.041.

Sec. 2.04.002 Quarantine of suspected rabid animal

(a) It is the duty of the animal control officer to take possession of any dog, cat, or any other animal in the city which bites, scratches, or attacks a person, or exhibits symptoms of rabies, or may have been exposed to a rabid animal, and to place such animal in a veterinary clinic or the city animal shelter. Such animal shall be quarantined for a period of ten (10) days for the purpose of determining whether such animal is affected by rabies.

(b) At the discretion of the local health authority, such animal may be quarantined at the owner's home or other suitable place. For purposes of this section, the local health authority shall mean the animal control officer of the city, the city health officer, or a professional entity with which the city has contracted to perform animal control services. If the city has contracted with an entity for animal control services, the entity, or its officer or employees, shall be designated as the local health authority for purposes of this section. Quarantine at the owner's home is appropriate if:

(1) Such animal is securely chained or penned so that it cannot escape the control and custody of the owner; and

(2) The owner agrees that such animal may be inspected at reasonable times by the animal control officer.

(c) An owner commits an offense if he refuses to allow the animal control officer to inspect the quarantined animal.

(d) The provisions of chapter 826 of the Texas Health and Safety Code, to the extent it provides for rabies control by additional or more stringent regulations than this chapter, is hereby adopted, together with the standards adopted by the state board of health in connection therewith.

(1996 Code, sec. 2.611(b))

State law references—Quarantine of animals, V.T.C.A., Health and Safety Code, sec. 826.042; release or disposition of quarantined animal, V.T.C.A., Health and Safety Code, sec. 826.043.