

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS, REPEALING ORDINANCE NOS. 94-12-16, 96-8-7, 99-8-11 CODIFIED AS CHAPTER 4, ANIMAL REGULATIONS, CODE OF ORDINANCES OF THE CITY OF PLANO AND ADOPTING A NEW CHAPTER 4, ANIMAL REGULATIONS, CODE OF ORDINANCES OF THE CITY OF PLANO INCORPORATING UPDATES TO STATE LAW AND ADDING PROVISIONS REGULATING: STERILIZATION; MULTIPLE PETS; PET IDENTIFICATION THROUGH MICROCHIPS; CERTAIN BUSINESSES WHICH DEAL WITH ANIMALS; AND, THE USE OF TETHERS; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE; A PENALTY CLAUSE; A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, there have been amendments to state laws regarding the regulation and protection of animals; and

WHEREAS, according to American Veterinary Medical Association statistics there are more than 150,000 domestic animals and thousands of wild animals of varying species living in Plano; and

WHEREAS, there has been a 26% increase in the last year in the number of animals impounded by the Plano Animal Services; and

WHEREAS, many pets that become strays lose their tags and animals are abandoned without tags, making identification of the pet impossible in some circumstances; and

WHEREAS, micro chips placed under the skin of the pet are easily read to facilitate (1) identification of the pet; (2) the reunion of the pet with its owner, and; (3) the identification of persons who abandon animals ; and

WHEREAS, the Centers for Disease Control estimates that nearly 70% of dogs involved in attacks on humans are not sterilized;

WHEREAS, animals - either strays or pets that have become lost or abandoned - that have not been sterilized contribute substantially to the stray animal population; and

WHEREAS, sterilization for animals will decrease the stray and unwanted animal population and will decrease aggressive behavior in dogs and cats; and

WHEREAS, the Centers for Disease Control, the United States Department of Agriculture, and the American Veterinary Medical Association have all determined that chaining or tethering is inhumane and creates dogs who are at a significantly greater risk to bite; and

WHEREAS, regulating the use of tethers will decrease the instances of inhumane

treatment and injury to dogs and thereby decrease the chances of aggressive behavior by dogs; and

WHEREAS, nearly 600 people are injured in Plano by animal bites and scratches each year; and

WHEREAS, the state of Texas has the highest rate of animal rabies in the country, with 969 cases diagnosed in 2007, and four cases of rabies in animals were diagnosed in Plano in 2008; and

WHEREAS, with the increased animal population there is greater likelihood of persons coming into contact with dangerous, rabid or stray animals; and

WHEREAS, the City is having to spend more than one million dollars to expand the animal shelter since it is working above or near capacity to care for abandoned and stray animals; and

WHEREAS, the City spends more than \$1.5 million each year, and local governments nationwide spend more than \$2 billion annually, to provide animal control services; and

WHEREAS, keeping a large number of animals in a location not designed to accommodate large numbers of animals can create a health hazard as well as produce odors and noise that may create a nuisance for others in the area; and

WHEREAS, regulating the number of animals that may be housed at a particular location will enhance the health of the animals and decrease the nuisance issues for persons living nearby; and

WHEREAS, the health and safety of animals and residents of the City is of great importance to the City; and

WHEREAS, upon review of all things considered, including the recommendations of staff, the City Council of the City of Plano deems it in the best interest of the health and safety of the citizens of the City of Plano to repeal the current Chapter 4, Animal Regulations of the Code of Ordinances and to replace it by adopting a new Chapter 4, Animal Regulations of the Code of Ordinances.

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

Section I. The City Council hereby repeals in its entirety Ordinance Nos. 94-12-16, 96-8-7, 99-8-11 currently codified as Chapter 4 Animal Regulations, of the City of Plano Code of Ordinances, and adopts this new Chapter 4, Animal Regulations to read in its entirety as follows:

“CHAPTER 4 – ANIMALS**ARTICLE I. DEFINITIONS AND ENFORCEMENT****Section 4-100. Definitions.**

The following words, terms and phrases shall have the following meanings when used in this chapter:

Abandon means to fail to provide any animal with one (1) or more of the necessities of life including air, adequate food, potable water, sanitary conditions, or protection from the heat, cold, or other elements of nature for twenty-four (24) or more hours, or to leave in the custody of another person without their consent.

Adult animal means an animal that is four (4) months of age or older.

Animal Establishment means any permanent facility or business that has custody or control of animals within the City of Plano including, but not limited to, pet shops, boarding kennels, or animal auction facilities. This term does not include veterinary or medical facilities, research or other facilities licensed by government agencies, wildlife educational center, or zoological park.

Animal Exhibition means any temporary spectacle, display, event, exhibition or act featuring performing animals including, but not limited to, circuses, pony rides, animal exhibits, weight pull events, and petting zoos. Such exhibitions shall not include resident or non-resident dog and cat shows which are sponsored by the Animal Services Division. For this definition, temporary shall mean lasting seven (7) days or less.

Animal Fighting Paraphernalia means equipment that is used for animal fighting purposes which includes, but is not limited to, instruments designed to be attached to the leg of a bird, such as a knife, gaff, or other sharp instrument, or items used to train and condition animals to fight, such as hanging devices or “bite sticks.”

Animal Housing Enclosures means any pen, kennel, dog-run, or other enclosure open to the elements contained within the owner’s property limits and designed to segregate an animal to a smaller portion of a fenced-in yard or property. This term does not include the term *shelter* as defined in this section.

Animal Services Facility means an establishment operated by the City for the temporary confinement, safekeeping, and control of animals which come into the custody of the City of Plano.

Animal Services Officer means a person designated by the City to represent and

act for the City in the impounding of animals, controlling of animals running at large, and enforcing the provisions of this chapter and all regulations relating to animals as authorized by state or federal law.

Assistance animal means any animal specially equipped or trained by a recognized organization to assist a person with a disability who has satisfactorily completed a specific course of training in the use of the animal.

At large means an animal that meets at least one (1) of the following criteria:

- Any animal not confined to the premises of the owner by substantial physical means of restraint of sufficient height, strength, and/or manner of construction to preclude the animal from leaving the premises of the owner or being able to come within six (6) feet of any public area.
- Any animal which is not physically and continually restrained by some person by means of a tether of proper strength and of a length of not more than six (6) feet.
- This definition does not apply to an animal in any City-designated dog park so long as it is in compliance with all other requirements of this ordinance. This definition does not apply to an indigenous wild or feral animal.

Auction means any facility where animals are regularly bought, sold, or traded to the highest bidder. This definition does not apply to individual sales of animals by private owners.

Basic Grooming means maintaining the eyes, ears, beaks, hooves, feet, nails, coat, and skin of an animal.

Business day means a day during which the City of Plano Animal Shelter is open for business and the lobby area is accessible to the public and staffed with City personnel.

Bodily injury means an injury characterized by bite or scratch wounds. This term includes any type of injury that would cause a reasonably prudent person to seek treatment from a medical professional or veterinarian without regard to whether the person actually sought the treatment.

Cat means a domesticated member of the feline family (*Felis domesticus*) other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar or other prohibited feline, or any hybrid thereof.

City means the City of Plano.

City Enforcement Agent means the City of Plano Health Director, his authorized

representatives, any Animal Services Officer or law enforcement officer that is employed by the City of Plano.

Commercial Breeder means any owner who breeds animals and/or transfers ownership of more than twelve (12) animals or more than two (2) litters, clutches, or other groups of offspring (whichever is greater) of any breeding animal during any twelve (12) consecutive month period to another person for the purpose of breeding, show, personal pet, slaughter, or resale to a third person.

Conviction means: a finding of guilty after a trial; a plea of guilty; a finding of deferred adjudication or disposition; or a plea of no contest.

Currently vaccinated means an animal that is considered to have a current anti-rabies vaccination according to the Texas State Rabies Control Act, as amended, and the minimum standards established by the appropriate state agency or rule-making board.

Dangerous animal means:

- An animal that commits an unprovoked attack on a human being that causes bodily injury, serious bodily injury, or death 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;
- An animal that is at large and makes an unprovoked attack on a domestic animal that causes serious bodily injury to, or the death of, the attacked animal; or
- An animal that is at large and makes an unprovoked attack on a domestic animal that causes bodily injury and the attacking animal has already made at least one unprovoked attack on a previous occasion.

Department means the City of Plano Health Department.

Direct physical control means precautions in place so the person may exercise physical control over the animal in the event it should become necessary to do so to protect the animal, a human, or another animal from harm.

Division means the City of Plano Animal Services Division of the Health Department.

Dog means a domesticated member of the canine family (*Canis familiaris*), other than a wolf, jackal, fox, dingo, coyote, or other prohibited canine, or any hybrid thereof.

Domestic Animal means any animal that may be kept as a pet or as livestock within the City of Plano so long as all of the required provisions of this chapter are met,

ownership of said animal is not prohibited by any international, federal, local or state law, and it is not a Wild Animal, as defined herein, including but not limited to the following animals:

- Reptiles – Any non-venomous reptile that does not typically reach total lengths greater than eight (8) feet;
- Birds – Any birds commonly kept as pets, or any bird kept for falconry purposes by a state and federally permitted falconer;
- Fish – Any fish commonly kept as pets; or
- Mammals – Any mammal commonly kept as pets or livestock including, but not limited to, dogs, cats, ferrets, rabbits, guinea pigs, hamsters, hedgehogs, rats, mice, chinchillas, sugar gliders, horses, cows, alpacas, and llamas.

Estray means any branded or unbranded livestock, fowl, exotic livestock, or exotic fowl found running at large.

Estrus means a regular period of reproductive excitement in many female mammals, during which the animal seeks to mate.

Euthanasia means the termination of a domestic animal by a person using methods authorized by state law.

Feral Animal means any un-owned, untamed animal living in the wild that will not voluntarily accept handling by humans despite usually being considered a domestic animal.

Health Director means the Director of the City of Plano Health Department and his authorized designees.

Humane trap means any trap designed to capture an animal without injuring the animal.

Identification means any acceptable method, such as microchipping, registration tag, or tattoo, which can be used to readily trace the current ownership of an animal.

Impound means the placing of an animal in the City's Animal Services Facility.

Inhumane Treatment of Animals means any treatment of an animal prohibited by any provision of this chapter.

Intact means any animal that has not been sterilized.

Kennel means any lot, building, structure, enclosure, or premises where five (5) or

more adult animals are kept and wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats, or other animals.

Livestock means or includes, regardless of age, sex, or breed: horses, consisting of all equine species including mules, donkeys, and jackasses; cattle, consisting of all bovine species; sheep, consisting of all ovine species; llamas or alpacas; goats, consisting of all caprine species; rabbits; chickens; and pigs or hogs, consisting of all swine species.

Local Rabies Control Authority (LRCA) means the person designated by the governing body of a municipality to enforce the Texas Health and Safety Code, as amended.

Local Rabies Control Incident (LRCI) means any bite, scratch, or other injury to a person caused by a warm-blooded animal that breaks the victim's skin and/or causes them to bleed and could therefore allow the rabies virus to be transmitted from the animal to the person.

Microchip Implant means a passive electronic device that is injected into an animal by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for purposes of animal identification and recovery by the animal's owners. The microchip implant shall be supplied with an exterior collar-type tag for purposes of an external means of notifying others that the animal has been implanted with a microchip.

Microchip Reader means an electronic scanner with an operating frequency that is able to detect a microchip that has been implanted in an animal, and displays the number of the microchip to its operator. The microchip reader shall be of a type that activates and displays the number of a microchip manufactured by multiple vendors.

Notice means by personal service, certified mail (return receipt requested), or a written notice left at the entrance to the premise where the animal is harbored.

Notify and notification, unless otherwise defined in this chapter, a requirement to notify the Division means to contact the Division at (972) 769-4360. Notification shall be made immediately, but only as soon as can be done so safely.

Offer to Transfer Ownership means to offer to convey ownership rights, in person, electronically, or by any other means, of an animal from one person to another by any means including, but not limited to, auctioning, selling, giving away, delivering, trading, or bartering.

Owner means any person, partnership, corporation, association or legal entity that harbors, shelters, keeps, controls, manages, possesses or has whole or part interest in any animal. The occupant, owner or head of household of any premises where an animal

remains for seventy-two (72) hours or more shall be rebuttably presumed to be the owner of the animal, unless the animal has been reported to the Division as a stray animal. An occupant of any premises on which a dog or cat remains or customarily returns to is an owner for purposes of this chapter. If a person under the age of seventeen (17) years owns an animal the parent, legal guardian, or the head of the household shall be the owner for purposes of this chapter. There may be more than one person responsible for an animal. This term shall include persons who are in temporary possession of the animal, including but not limited to pet sitters and trainers.

Owner's Agent means a person who has been authorized by the owner to act on his behalf.

Person shall have the meaning assigned in chapter 1, section 1-3 of the Code of Ordinances. The term *person* shall include the term *owner*.

Pet Grooming Facility means an establishment that provides basic grooming for domestic animals but does not routinely board animals for a fee. For the purposes of this chapter, a veterinary clinic that provides basic grooming is not a pet grooming facility.

Police Service Animal means an animal owned by the City of Plano, or other governmental law enforcement agency, specifically trained or equipped to assist personnel in a law enforcement capacity.

Pony Ride means the use of any horse, pony, mule, donkey, or burro to provide rides to, or to pull wagons containing, individuals other than the animals' owners, whether gratuitously or for a fee.

Private Animal Sale means the individual transfer of ownership of an animal, other than a wild animal, by a private owner to another private owner that occurs on the property of either the seller or buyer.

Quarantine means to confine and isolate from human beings and other animals in a state-approved quarantine facility or in compliance with all stipulations of a home quarantine when allowed by the Local Rabies Control Authority. The quarantine period for a dog, cat, or a domestic ferret for rabies observation is 240 hours from the date and time of the bite, scratch or other exposure, or as specified by state law or rule.

Releasing Agency means any public or private animal pound, shelter, or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

Restrain means to control an animal by physical means.

Secure Enclosure means an animal housing enclosure that is located inside a

separate fenced area. The enclosure must be equipped with a lock and must prevent the entry of the general public, including children. It must prevent the escape or release of an animal. It shall be clearly marked as containing a quarantined/dangerous animal. It must have an attached roof. It must have a concrete floor or have the sides buried not less than two (2) feet into the ground to prevent the animal from digging out. It must be located a minimum of five (5) feet from any fence line that abuts adjacent property or a public area. It must conform with any additional requirements as established and provided in writing to the owner by the Animal Services Division.

Serious bodily injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Shelter means a structure that is capable of providing cover and protection from the weather. At minimum, a shelter must have three sides, a top, a bottom and be adequately ventilated. It must have bedding material. It must be large enough so that the animal can enter, stand, turn around, and lie down, but small enough to prevent the loss of body heat during cold weather.

Sterilized means an animal rendered incapable of reproduction.

Substantial Evidence Rule means the reviewing court should uphold the administrative body's ruling if it is supported by evidence on which the administrative body could reasonably base its decision.

Tether means any leash, chain, cord, rope, or other means of restraining an animal or the act of chaining, tying, fastening or otherwise securing an animal to a fixed point so that it can move or range only within certain limits.

Transfer Ownership means to convey ownership rights of an animal from one person to another by any means.

Twelve (12) Consecutive Month Period means the twelve (12) month period immediately preceding the date of the most recent impoundment, conviction, or plea of guilty or no contest.

Unprovoked means that the animal was not hit, kicked, pulled, struck, pinched, or squeezed by a person with an object or part of the person's body, or otherwise teased or tormented in any manner.

Vaccination means the inoculation of an animal with an anti-rabies vaccine that is licensed by the United States Department of Agriculture for use in that species and which is administered in accordance with the label's directions and all state laws for the purpose of immunizing the animal against rabies.

Veterinary Hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Wild Animal means any animal not normally considered domesticated, regardless of the state or duration of captivity, that can typically be found in a wild state which, because of its size, vicious nature, potential disease threat, or other natural characteristic(s), would constitute a danger to human life, property or domestic animals, or any animal that is restricted from ownership by any international, federal, or state law including, but not limited to, the following animals:

- Reptiles: venomous reptiles, crocodiles, alligators, any reptile that typically reaches a total length greater than eight (8) feet, and iguanas;
- Birds: emus, ostriches, or rheas;
- Mammals: ocelots, lions, tigers, jaguars, leopards, cougars, bobcats, wolves, dingoes, coyotes, jackals, elephants, armadillos, kangaroos, wallabies, wallaroos, opossums, beavers, porcupines, weasels, martins, minks, badgers, pandas, bears, raccoons, bats, foxes, skunks, cheetahs, servals, caracals, hyenas, squirrels, wild rabbits, or non-human primates;
- Any species illegal to own under federal or state law, or any animal which is, or may be hereafter, listed as a “high risk” animal in the Texas Rabies Control Act;
- Any hybrid of any animal classified as a Wild Animal.

Wildlife Educational Center means an organization that has met all of the state and federal requirements to possess and display wild or domestic animals for educational purposes.

Wildlife Rehabilitator means a person holding all current state and/or federal permits needed to temporarily house the native wild animal species in their possession with the goal of rehabilitating the animal(s) and releasing it back into its natural habitat in accordance with all state and/or federal laws.

Zoological Park means a government-operated facility displaying or exhibiting one or more species of non-domesticated animals.

Section 4-101. Enforcement, seizures and penalties.

- (a) The Health Director shall be responsible for the enforcement of this chapter unless otherwise provided by law or this chapter.

- (b) Any person violating this chapter may be issued a citation and upon conviction thereof, the person shall be deemed guilty of a misdemeanor and punished as provided in section 1-4(b) of the Code of Ordinances of the City of Plano.
- (c) Each twenty four (24) hour period of violation, and each separate animal or condition in violation of this chapter, shall constitute a separate offense.
- (d) For the purpose of proving violations of this chapter the requirement of a culpable mental state is expressly waived.
- (e) City Enforcement Agents are authorized to seek a warrant or order from a court of competent jurisdiction to enforce this chapter.
- (f) City Enforcement Agents shall have the power to seize and impound an animal with a warrant or court order under the following conditions:
 - (1) When the City Enforcement Agent has probable cause to believe the animal creates a nuisance as described in section 4-300(a) (2) of this chapter;
 - (2) When the City Enforcement Agent has probable cause to believe the animal has been abandoned or is being treated inhumanely as described in this chapter;
 - (3) When the City Enforcement Agent has probable cause to believe the animal has rabies or has been exposed to rabies;
 - (4) When the City Enforcement Agent has probable cause to believe the animal is not being quarantined for rabies observation under appropriate conditions as defined in this chapter;
 - (5) When the City Enforcement Agent has probable cause to believe the animal meets the definition of a Dangerous Animal as defined in this chapter;
 - (6) When the City Enforcement Agent has probable cause to believe that the animal has been involved in a LRCI.

- (g) City Enforcement Agents shall have the power to seize and impound an animal without a warrant or court order, with probable cause as set forth in 4-101(f) (1-6), under the following conditions:
 - (1) On public property, in all cases;
 - (2) On private property, if:
 - a. The consent of the resident or property owner is obtained; or
 - b. The City Enforcement Agent reasonably believes there is imminent danger of serious bodily injury or death to the public, other animals, or the animal in question and there is insufficient time to obtain a warrant.
 - (3) Upon the request of a peace officer if the owner is not available and there is no one 18 years of age or older to accept responsibility for the animal.
- (h) A City Enforcement Agent shall have forty-eight (48) hours from the time of the animal's seizure to request a hearing to determine the disposition of the animal in accordance with this chapter. If no hearing is requested the animal shall be returned to its owner upon request from the owner.
- (i) The City Enforcement Agent is authorized to use necessary force, including but not limited to breaking a vehicle's window, to make lawful seizures of animals pursuant to this chapter.

Section 4-102. Duties.

- (a) The Health Director shall act as the Local Rabies Control Authority for the City. If the Health Director position is vacant, then the Animal Services Manager, or his designee, shall be the Local Rabies Control Authority.
- (b) Any City Enforcement Agent shall have the authority to issue citations for any violation of this chapter and any other power or duty stated within the terms of this chapter.

Section 4-103. City exempt.

City facilities and operations are exempt from the requirements of this chapter.

Section 4-104. Fees.

All fees for this chapter shall be reviewed, set and adopted by an ordinance of the city council on a regular basis. The following is not intended to be an exhaustive listing of fees. Fees shall be assessed for: annual registrations; dangerous animals; lost registration tag; permits for animal businesses; impounded animals; boarding of animals; sterilization of animals; implanting microchips in animals; adoption of animals; vaccination of animals; disposal of deceased animals; local rabies control authority incidents; livestock capture.

The Health Director or his designee shall have the authority to reduce or waive fees under this chapter.

ARTICLE II. TREATMENT OF ANIMALS**Sec. 4-200. Inhumane treatment of animals.**

- (a) A person commits an offense if, either through his action or omission, he:
- (1) Docks the tail or removes the dew claws of an animal over five (5) days of age, or crops the ears of an animal of any age, unless he is licensed to practice veterinary medicine in the State of Texas;
 - (2) Transfers ownership or otherwise physically removes from its mother any dog, cat, ferret, or rabbit less than six (6) weeks old, or any other animal that is not yet weaned, except as advised by a licensed veterinarian;
 - (3) Dyes or otherwise artificially colors any animal;
 - (4) Displays, transfers ownership, or offers to transfer ownership of any dyed or otherwise artificially colored animal;
 - (5) Abandons any animal that they have possession of at the Animal Services Facility, any other business, on public property, or with any other person that has not agreed to be responsible for the care of the pet;
 - (6) Fails to reclaim any animal that he owns from the person who had temporary possession of the animal;
 - (7) Fails to notify the Division when any motor vehicle that he is in control of strikes an animal;

- (8) Euthanizes his own animal in a manner other than one defined in this chapter;
- (9) Carries or transports an animal in any vehicle or conveyance and fails to effectively restrain the animal so as to prevent the animal from leaving or being accidentally thrown from the vehicle;
- (10) Places or confines an animal, or allows the animal to be placed or confined, in a motor vehicle or trailer under conditions which may endanger the health of the animal due to temperature, lack of food or water, or under other circumstances which may cause bodily injury, serious bodily injury or death of the animal;
- (11) Causes, allows, or permits any animal to remain in its own filth;
- (12) Owns any animal having an infestation of ticks, fleas, or other parasites which has not been treated by a veterinarian or with appropriate commercially available treatments;
- (13) Owns any animal having any obvious illness, or injury, or any communicable illness transmittable to animal or human without having followed a proper treatment regimen for the infestation or illness;
- (14) Fails to provide basic grooming for any animal;
- (15) Causes, allows, or trains any animal to fight another animal; is in possession of any animal fighting paraphernalia or training equipment;
- (16) Fails to provide, at all times, any animal under his care with adequate wholesome food, potable water, and shelter;
- (17) Transfers ownership or offers to transfer ownership of any chickens, ducklings, or rabbits younger than sixteen (16) weeks of age in quantities of less than twelve (12) to a single purchaser;
- (18) Mutilates any dead animal for reasons other than food preparation or taxidermy. Dissection in compliance with medical or veterinary research, medical or veterinary necropsy, and bona fide educational use of dead animals shall not be considered mutilation;

- (19) Attaches a collar or harness to an animal that is of an inadequate size so that it restricts the animal's growth or causes damage to the animal's skin;
 - (20) Attaches a tether that is not appropriately sized for the animal and so heavy as to restrict or burden the animal's movements;
 - (21) Displays, transfers ownership or offers to transfer ownership of any turtle with a carapace of less than four inches in length;
 - (22) Teases or taunts any animal and provokes an aggressive reaction from an animal.
- (d) Animals seized pursuant to this section may be impounded and the City Enforcement Agent may petition the municipal court for a hearing to determine whether the animal was inhumanely treated and to determine the disposition of the animal. The petition shall be filed within 48 hours of the seizure. If the court is not open during this 48 hour period the petition shall be filed the next day the court is open for business. If a hearing is not requested then the animal shall be returned to the owner upon request of the owner.
- (e) This section shall not be interpreted to restrict the legal activities and legitimate operations of rodeos, 4H Clubs, or FFA Clubs.

Section 4-201. Placement and baiting of animal traps and poison.

- (a) Humane traps shall be used to trap animals within the City, whether on public or private property. The person who places the trap, or who requests its placement by the Division, shall be responsible for checking the trap, the care of the animal while it is in the trap, and the notification to the Division of any captured animal. All traps shall be checked at least daily.

No traps shall be placed upon public property without written permission from the Division. It shall be the responsibility of the person setting the trap to properly label the trap indicating the owner and the date permission was obtained from the Division.

- (b) All captured domesticated animals shall be turned over to the Division, unless the animal is captured as part of a feral animal neutering program that has obtained written permission from the Health Director to place traps within the City. All captured wild animals shall be turned over to the

Division, a Wildlife Educational Center, or state licensed Wildlife Rehabilitator as soon as possible.

(c) Offenses:

A person commits an offense if he:

- (1) Places, or places and baits, or permits the placing or placing and baiting of any steel jawed trap (commonly known as a "bear trap", "wolf trap", "leg hold trap", or "coyote trap"), any body hold trap (commonly known as "connibear trap"), or any other trap designed to be lethal;
- (2) Places any substance, article, or bait that has in any manner been treated with any poisonous or toxic substance, including anti-freeze, or any drug in any place accessible to human beings, birds, dogs, cats or other animals with the intent to kill or harm animals;
- (3) Places, or places and baits a trap or permits the placing or placing and baiting of any trap designed for trapping animals in any highway, street, alley or other public place within the corporate limits of the City unless specific written permission by the Division has been granted. This subsection shall not apply to a City Enforcement Agent or an agency working with written permission from the Division from placing the traps on public property;
- (4) Removes, alters, damages, or otherwise tampers with a trap or equipment belonging to or set out at the request of the Division.

- (d) This section shall not be interpreted to restrict the extermination of rats, mice, insects, other vermin, or any animal deemed a nuisance by state 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.

Section 4-202. Tethering animals.

- (a) A person commits an offense if he tethers an animal to a stationary object for any length of time except as allowed by subsections (b) and (c).

- (b) Restraint on the owner's property or for a lawful animal event, veterinary treatment, grooming, training, law enforcement activity, or when needed to protect the safety or welfare of a person or animal shall be allowed provided that all of the following conditions are met:
 - (1) The animal's owner maintains continuous, direct physical control of the animal throughout the period of restraint;
 - (2) The tether is attached to a properly fitting collar or harness and is not wrapped around the animal's neck. Choke or prong-type collars shall not be used;
 - (3) The tether is designed and placed in a manner to prevent entanglement or injury; and
 - (4) The tether does not allow the animal to move outside the person's property or come within ten (10) feet of public property if tethered outside a fenced area.

- (c) A "skyline" type aerial trolley consisting of a line that is strung between two fixed points that are at least twenty (20) feet apart with a down line that is at least five (5) feet in length is allowed as long as the requirements of Section 4-202(b)(2-4) are met and the animal is enclosed behind a fence of adequate size and strength capable of preventing the general public, including children, or other animals from entering the area.

Section 4-203. Animal housing enclosure requirements.

- (a) All animal housing enclosures must be securely built, adequately sized for the kind, size, and number of animals housed, maintained in a sanitary condition so that flies or mosquitoes are not allowed to breed and odors are not offensive to adjacent residences or businesses, in compliance with all other requirements of this chapter, City zoning laws, and the following minimum standards:
 - (1) Enclosures housing fewer than five (5) animals must be at least twenty (20) feet from any adjacent building, excluding any building owned by the owner of the animals;
 - (2) Enclosures housing five (5) or more animals must be at least fifty (50) feet from any adjacent building, excluding any building owned by the owner of the animals;
 - (3) Enclosures used as an area for a dog to regularly eat, sleep, drink,

and/or eliminate must have at least one hundred (100) square feet of space for each dog six months of age or older that is housed there; and

- (4) Enclosures shall be located so that the animals being housed are protected from inclement weather, harassment, stings and/or bites from insects, and attacks by other animals.
- (b) A person commits an offense if he fails to provide an enclosure or enclosures meeting the criteria set forth in this section.
- (c) Dangerous animal enclosures shall meet the requirements of a secure enclosure as set out in this chapter.

ARTICLE III. PUBLIC NUISANCES

Section 4-300. Nuisances.

- (a) A person commits an offense if the person is an owner of an animal and the person permits, or by insufficient control allows, any of the following to occur:
 - (1) Creation of any condition on the owner's property, or that carries over to an adjacent property, that renders the ground, the water, the air or the food hazardous or injurious to human or animal life or health or that is offensive to the senses or that is detrimental to the public health;
 - (2) The animal to be at large as defined by this chapter;
 - (3) Creation of a condition conducive to the breeding of flies, mosquitoes, ticks, fleas, or other pests;
 - (4) Breeding or causing to be bred any animal within the public view; or
 - (5) Allowing any female animal in estrus to be on any public property, or any private property not owned by the animal's owner except to transport said animal to a veterinarian for treatment or to a planned breeding in compliance with all other provisions of this chapter.

- (b) A person commits an offense if the person is the owner of an animal and the person fails to immediately remove and dispose of any excreta the animal produces.
- (c) A person commits an offense if the person is the owner of an animal and fails to visibly have in his possession materials that can be used to immediately remove and dispose of any excreta the animal produces.
- (d) It is an affirmative defense to prosecution under subsections 4-300 (b) and (c) that:
 - (1) The property was owned, leased, or controlled by the owner of the animal at the time it defecated;
 - (2) The animal was an assistance animal and was in the presence of that disabled person at the time it defecated or was otherwise present on the property;
 - (3) The owner of the property or person in control of the property had given prior consent for the animal to defecate on the property; or
 - (4) The animal is a police canine being used in official law enforcement activities.
- (e) It is an affirmative defense to prosecution under subsection 4-300(a)(2, 4 and 5) if the owner can show that, the animal was at large due to forces of nature, fire, or the acts of a third party who was not residing at the animal owner's residence.
- (f) After the third conviction for violating subsection 4-300(a) (2) in any twelve (12) consecutive month period, a City Enforcement Agent may petition a municipal court judge for a hearing to determine if the animal is a continuing public nuisance. After the hearing, a municipal court judge may order the:
 - (1) Disposition of the animal as provided in Article IV of this chapter, except that the animal may not be returned to the location where the animal resided at the time of the nuisance action;
 - (2) Exclusion from the City limits of Plano of the animal; or
 - (3) Return of the animal to the owner.

- (g) After an order in subsection (f) is issued, the owner shall comply with the order within forty-eight (48) hours or within the time specified in the court order.
- (h) If the animal is to be removed from the City of Plano, the owner shall provide the address to the Health Director in writing within seventy-two (72) hours of the order being issued.

ARTICLE IV. IMPOUNDMENT, REDEMPTION AND DISPOSITION OF ANIMALS

Section 4-400. Impoundment.

- (a) Impoundment:
 - (1) Rabies: The City Enforcement Agent shall impound and quarantine any animal that he has probable cause to believe was exposed to or infected with rabies. Any animal that exhibits symptoms of the rabies disease during quarantine shall be euthanized;
 - (2) Owner's absence: The City Enforcement Agent shall impound an animal at the request of a peace officer when the owner of the animal has been arrested, hospitalized, is missing, has died, or when the owner is being lawfully evicted from his premises and there is no person present eighteen (18) years of age or older who will assume responsibility for the animal;
 - (3) Animal at large: The City Enforcement Agent may impound an animal found to be at large;
 - (4) Dangerous animal: The City Enforcement Agent shall follow the procedures for impoundment of dangerous animals set forth in Article IX of this chapter;
 - (5) Inhumane treatment: The City Enforcement Agent may impound an animal if the City Enforcement Agent has probable cause to believe the animal has been inhumanely treated as defined by this chapter; or
 - (6) LRCI: The City Enforcement Agent may impound and quarantine an animal the Agent has probable cause to believe has been involved in a LRCI.

Section 4-401. Redemption of impounded animals.

In order for a person to redeem an impounded animal he must meet the following requirements:

(a) Conditions for redemption of animals:

(1) Rabies vaccination required

- a. For the purposes of this subsection, sufficient proof of an animal's current rabies vaccination shall be either a rabies vaccination certificate issued by a licensed veterinarian or verbal or written confirmation of a current rabies vaccination by the licensed veterinarian who administered the vaccination.
- b. If the owner cannot prove that the animal has a current rabies vaccination, the owner shall pay a fee to have a rabies vaccination given prior to the release of the animal.
- c. If a vaccination cannot be given at the time of the redemption the owner shall have seven (7) business days to provide written proof of obtaining a current rabies vaccination to the City Enforcement Agent.
- d. If, in the opinion of a licensed veterinarian, the rabies vaccination should not be given within the seven (7) business day period, the owner must provide a signed statement from the veterinarian stating why the vaccine should be temporarily delayed and when the vaccine may be given. The owner shall provide written proof of the administering of the vaccination to a City Enforcement Agent within forty-eight (48) hours.

(2) Microchip required

The owner shall pay a fee to have a microchip implanted into the animal prior to release.

(3) Sterilization required

- a. The owner shall submit proof of having the animal sterilized within thirty (30) days of its release. The proof shall be a completed sterilization certification form provided by the Animal Services Facility that is signed by the sterilizing veterinarian.
- b. Subsection a. shall not apply if the owner can provide proof that the animal has a current City license and rabies vaccination, and was identified by microchip or visible identification, and one or more of the following conditions were met:
 1. The animal was registered with a national registry or was a sporting dog, livestock dog, working dog and the owner was a member of a national breed club, local breed club, local all-breed club, or sporting or hunting club; or
 2. The animal was a professionally trained assistance or police service animal; or
 3. The animal was at large due to forces of nature, fire, or the acts of a third party who was not residing at the animal owner's residence.
- c. Nothing in this subsection shall be construed as permitting sterilized dogs and cats to run at large.
- d. Upon the animal's first impound in any twelve (12) month period, and the owner chooses to have his animal sterilized prior to redemption, his impound fee shall be waived. The owner shall pay a sterilization fee and any other applicable fees prior to the animal being returned.
- e. Any animal that is impounded a second time in any consecutive twelve (12) month period shall be sterilized prior to redemption by the owner. This subsection shall not apply if the animal was at large due to forces of nature, fire, or the acts of a third party who was not residing at the animal owner's residence.

(4) Payment of fees

The owner must pay all applicable fees before the animal is released.

(5) Wild animals

Impounded wild animals kept in violation of this chapter may not be redeemed and may be placed with a Wildlife Rehabilitator or Wildlife Educational Center or euthanized at the Health Director's discretion.

(6) A person commits an offense if he fails to provide the proof of rabies vaccination required in section 4-401(a) (1) (c. or d.).

(7) A person commits an offense if he fails to provide the proof of sterilization required in section 4-401(a) (3) (a.).

(b) This section shall not apply if the animal was impounded:

(1) For being inhumanely treated as defined in this chapter and a hearing is pending or shall be pending to determine the disposition of the animal;

(2) As a dangerous animal as defined in this chapter and a hearing is pending or shall be pending to determine the disposition of the animal;

(3) For investigation of rabies and the quarantine period has not expired;

Section 4-402. Disposition of animals.

(a) Time limits

(1) Impounded animals with no means of traceable identification shall be kept for not less than three (3) business days, unless earlier reclaimed by the owner or euthanized as allowed by this chapter.

(2) Animals with any type of traceable identification shall be kept for not less than ten (10) business days, or not less than three (3) business days from the time the owner is notified, whichever is the shorter time period, unless earlier reclaimed by the owner or euthanized as allowed by this chapter.

- (3) An animal impounded at the request of a peace officer as required by section 4-400(a)(2) of this chapter shall be kept for not less than ten (10) business days unless earlier reclaimed by the owner or the owner's agent or euthanized as allowed by this chapter.
 - (4) An impoundment period is not required for an animal voluntarily released to the Division by its owner.
 - (5) An impoundment period is not required for any wild animal.
- (b) Injured or diseased animals
- (1) Any impounded animal, registered or unregistered, which appears to be suffering from serious bodily injury or disease and which is in great pain or suffering and probably will not recover or which appears to have an infectious disease which is a danger to humans or to other animals may be euthanized.
 - (2) Any animal that is not displaying any type of identification and which due to its extremely violent or feral nature poses a substantial risk of bodily injury to the safety of Division staff may be euthanized.
- (c) The Division may dispose of impounded animals after the expiration of any required impoundment period by any of the following methods.
- (1) Adoption
 - a. The Division shall be authorized to place for adoption dogs or cats impounded by the City under the following conditions:
 - 1. The Division shall evaluate all animals to determine if it is an adoption candidate, based on its health and temperament, and if its health and age are adequate for vaccination. However, an affirmative decision shall not constitute a warranty of the health, temperament, or age of the animal.
 - 2. There will be an adoption fee for all dogs and cats at an amount set by the Plano City Council. The fee will include the cost of sterilization, vaccination, implantation of a microchip, and licensing.

3. All animals adopted from the Animal Services Facility shall be implanted with a microchip, vaccinated against rabies according to state guidelines, and sterilized.
 4. If, in the opinion of a licensed veterinarian, there is a legitimate health risk justifying the delay of sterilization, the person adopting the animal must provide a signed statement from the veterinarian stating why the sterilization should be delayed and when the procedure may be performed. A legitimate health risk cannot be based solely on the age of the animal if the animal is at least eight (8) weeks old. The owner shall provide written proof of the completed sterilization within forty-eight (48) hours of the procedure.
 - b. If an adopted animal dies on or before the sterilization completion date, the adopting person must provide written documentation to the Division that the animal has died.
 - c. If an adopted animal is lost or stolen before the sterilization date, the adopting person must provide written documentation to the Division stating that the animal is lost or stolen and a copy of the police report, if any, of the theft. In order to be sufficient, the letter shall be delivered not later than the seventh (7th) business day after the date of the animal's disappearance and shall describe the circumstances surrounding the disappearance and the date of disappearance.
- (2) Transfer to releasing agency or foster care
- a. The Division may transfer ownership of the animal to a releasing agency that has a signed Transfer Agreement for Dogs and Cats on file with the Division provided that the group sterilizes and microchips the animal prior to placing it into an adoptive home.
 - b. The Division may temporarily place the animal in a foster home that has a signed Foster Agreement for Dogs and Cats on file with the Division;

(3) Euthanasia

The Division may euthanize the animal due to health, temperament, space limitations, or as otherwise deemed necessary by the Health Director.

- (d) The choice of which of these options to use shall be made at the sole discretion of the Division unless otherwise mandated by law or a court order.
- (e) A person commits an offense if he fails to provide the proof required in section 4-402(c) (1) (a).(4.).

ARTICLE V. MULTIPLE ANIMALS

Section 4-500. Permit required for multiple pets.

Any person in possession of more animals than authorized without a permit in this section shall have one year from the effective date of this ordinance to either obtain a permit or otherwise comply with this section.

- (a) Except as provided by this section, no single-family, residentially zoned property within the City shall harbor more than ten (10) adult animals, no more than four (4) of which may be intact. No duplex or multi-family residentially zoned property shall harbor more than five (5) adult animals, no more than one (1) of which may be intact. No residence within the City shall harbor more than one (1) litter, clutch, or other group of offspring, whether whole or in part, at any time.
- (b) Any person desiring to keep more animals than allowed by subsection (a) may apply with the Division for a multiple pet permit. The applicant shall pay an application fee at the time of filing.
- (c) The Division shall issue the permit if the following conditions are met:
 - (1) Inspection required – Applicants shall submit to an in-home inspection by the City Enforcement Agent prior to the issuance of a multi-pet permit. A permit shall not be issued if the inspection determines:
 - a. That the requested number of animals cannot be maintained without creating noise or odor nuisances;

- b. That the requested number of animals cannot be maintained in a healthy and sanitary environment;
 - c. The number of intact animals exceeds Section 4-500 (a);
 - d. That any animal at the location is not in compliance with all provisions of this chapter.
- (2) No inspection required – Applicants who provide proof of having a current multiple pet permit, and who have not obtained additional animals since their last inspection, and have had no enforcement actions for violating this chapter during the preceding twelve (12) months, may be issued a permit by mail without inspection. The Division may require an inspection during reasonable hours at their discretion regardless of the applicant’s history.
- (d) All multiple pet permits issued under this section shall be valid for one (1) year from the date of issuance, and shall be valid only as to the applicant and location for which it was originally issued.
 - (e) A person commits an offense if the person is a holder of a multiple pet permit and he refuses, upon request by a City Enforcement Agent during reasonable hours, to make his animals, premises, facilities, equipment, and any necessary registrations or permits available for inspection.
 - (f) A person commits an offense if the person is a holder of a multi-pet permit and he refuses to show his permit upon request by a City Enforcement Agent.
 - (g) A person commits an offense if he harbors a greater number of animals than allowed in section 4-500(a) without obtaining a multiple pet permit.
 - (h) A person commits an offense if he is the holder of a multiple pet permit and harbors more animals than authorized in his permit.

Section 4-501. Revocation, denial and appeal.

- (a) The Animal Services Manager may revoke a permit issued under section 4-500 or refuse to issue a permit if the permittee or applicant fails to meet the standards required in section 4-500, refuses to permit inspections of the premises, or violates any provision of this chapter.

- (b) A denial or revocation of a permit may be appealed to the Health Director. The appeal must be made in writing within ten (10) days of receiving written notice of the permit denial or revocation from the Division. If no appeal request is received within the ten-day period, the denial or revocation of the permit becomes final. Upon receiving an appeal, the Health Director shall hold a hearing at a time and place of his designation within ten (10) days of the appeal being received.
- (c) The decision of the Health Director shall be final.
- (d) The permittee or applicant may reapply for a new permit under section 4-500 at any time.

ARTICLE VI. RABIES AND ZONOSIS CONTROL

Section 4-600. State regulations adopted.

The City of Plano hereby adopts by reference the Texas State Rabies Control Act, as amended, and the standards established by the appropriate state agency or rule-making board as minimum standards for rabies control and quarantine provisions within the City of Plano.

Section 4-601. Rabies tag and vaccination certificate.

- (a) All animals that are required by the Texas State Rabies Control Act to have a rabies vaccination must have their current rabies tag affixed to a properly fitted collar or harness at all times. The owner shall retain the rabies vaccination certificate and make it available for inspection upon request by a City Enforcement Agent.
- (b) Rabies vaccination certificates will be valid for a period of time as determined by the issuing veterinarian in accordance with the Texas State Rabies Control Act.
- (c) A person commits an offense if he is the owner of an animal and fails to provide rabies vaccinations for the animal.
- (d) A person commits an offense if he presents a rabies vaccination certificate to a City Enforcement Agent for any animal other than the animal for which the certificate was issued.
- (e) A person commits an offense if he attaches a rabies tag to any animal's collar or harness other than the animal for which the tag was issued.

- (f) A person commits an offense if he fails to display the rabies tag as required by this section.

Section 4-602. Notification of local rabies control incidents or zoonotic disease.

- (a) Any licensed veterinarian or technician working for a veterinarian who diagnoses, examines, or treats any animal diagnosed to have, or suspected to have, rabies, a non-natural infection of anthrax, avian influenza, brucellosis, campylobacteriosis, Escherichia coli 0157:H7, hantavirus, Lyme Disease, monkeypox, plague, Q-fever, rabies, Rocky Mountain Spotted Fever, Salmonellosis, Tularemia, West Nile virus, or any other zoonotic encephalitis, or other zoonotic diseases transmissible to humans, shall immediately report their findings to the Division.
- (b) Any physician or other medical or veterinary practitioner having knowledge of a local rabies control incident shall notify the Division of the names, addresses and phone numbers of persons or animals treated.
- (c) Any person owning or possessing an animal which has been involved in a local rabies control incident, or any other person having knowledge of the local rabies control incident, shall notify the Division.
- (d) A person commits an offense if he has knowledge of a local rabies control incident and fails to notify the Division within forty-eight (48) hours.
- (e) A person commits an offense if he has knowledge of any potential disease as listed in this section and fails to notify the Division within twenty-four (24) hours.

Section 4-603. Quarantine.

- (a) Any animal that a City Enforcement Agent has probable cause to believe was exposed to or is infected with rabies, or that the Agent has probable cause to believe has been involved in a local rabies control incident, shall be placed under quarantine. Animals shall be quarantined according to state law and rules. The seizure of animals for quarantine shall be pursuant to section 4-101 of this chapter.
- (b) Upon request by the owner, a home quarantine maybe allowed if the Health Director determines all state requirements for a home quarantine are met and the owner complies with all of the following requirements:
 - (1) Isolates the animal from all people and pets other than those that

- lived with the biting animal at the quarantining residence prior to the local rabies control incident;
- (2) Agrees to allow a City Enforcement Agent to inspect the animal and residence at any reasonable time during the quarantine period;
 - (3) Agrees to contact the Division immediately if the animal escapes from the residence, dies, attacks any other person or animal, exhibits any change in behavior, or exhibits any sign of illness;
 - (4) Confines the animal inside a residence or dwelling at all times other than times for evacuation of waste material. During evacuation, the animal shall be kept on a tether not more than six (6) feet in length and must remain under the direct physical control of an adult at all times;
 - (5) Agrees to keep the animal at the approved residence or dwelling throughout the quarantine period unless prior written approval to move the animal is obtained from the Health Director;
 - (6) Agrees to keep the animal under quarantine until the animal is cleared by the Health Director;
 - (7) Registers and implants a microchip in the animal in compliance with this chapter; and
 - (8) Agrees to immediately turn the animal over to a state-approved rabies quarantine facility for the duration of the quarantine period as ordered by the Health Director if any section of this chapter is violated.
- (c) Should a potential outbreak of rabies within the City be suspected and the danger to the public safety from rabid animals be reasonably imminent, the Health Director is hereby authorized to issue a quarantine proclamation, ordering persons owning, keeping, or harboring dogs, cats or other warm-blooded animals to muzzle the same or confine them for the time as may be specified in the quarantine proclamation. Upon the publication of the proclamation by local newspapers, persons owning or harboring animals addressed by the proclamation shall confine them to premises unless they are effectively muzzled and under the control of an adult person by a tether not more than six (6) feet in length. After publication of the proclamation, an animal found to be in violation of the order or at large may be impounded or destroyed by a City Enforcement Agent if such agent is unable, with reasonable effort, to apprehend the

animal for impoundment.

- (d) A person commits an offense if the person fails or refuses to immediately comply with the Health Director's order to quarantine at the owner's residence or present for quarantine or testing at a state approved rabies quarantine facility, any animal that the Health Director has probable cause to believe has been involved in a local rabies control incident.

ARTICLE VII. ANIMAL IDENTIFICATION AND REGISTRATION

Section 4-700. Registration Tag Required.

Animals with a current registration in place on the effective date of this ordinance shall be required to comply with this section upon renewal of the animal's registration.

- (a) All dogs, cats, and ferrets four (4) months of age or older must have the City registration tag for that animal affixed to a properly fitted collar or harness at all times.
- (b) Subsection 4-700 (a) does not apply to animals temporarily within the City for a period not to exceed fourteen (14) days.
- (c) Registration tags shall be on forms and tags furnished by the Health Director and shall be issued subject to the provisions of this chapter.
- (d) The Division shall not issue a registration tag to an animal that is not currently vaccinated against rabies.
- (e) Registration tags shall be renewed annually.
- (f) A person commits an offense if he affixes a City registration tag to any animal's collar or harness other than the animal for which it was issued.
- (g) A person commits an offense if he is the owner of a dog, cat, or ferret over the age of four (4) months within the City of Plano and does not have a current a City registration tag for the animal.

ARTICLE VIII. ANIMAL BUSINESSES

Section 4-800. Permit required for animal establishments and commercial breeders.

An animal establishment, grooming facility, commercial breeder, wildlife

education center or wildlife rehabilitator who is in operation before the effective date of this ordinance shall have 180 days from the effective date of this ordinance to obtain the necessary permits and registrations.

- (a) Persons wishing to operate an animal establishment or to become a commercial breeder within the City of Plano must apply for an Animal Establishment or Commercial Breeder Permit. A permit shall be issued if the requisite fee is paid and the applicant meets the following requirements:
- (1) Cold and hot water and appropriate disinfecting/sanitizing chemicals for washing and disinfecting cages are easily accessible to all parts of the animal housing areas;
 - (2) Fresh water shall be available to all animals at all times. Containers are to be cleaned and disinfected each day. All water containers shall be removable for cleaning and mounted, placed, or weighted so the animal cannot turn them over;
 - (3) The ambient temperature in the animal housing areas is maintained between 60-79°F at all times. The temperature and humidity in individual cages are maintained at levels that are healthful for the species of animals being housed and adequate ventilation is maintained in all animal housing areas;
 - (4) All cages and enclosures are constructed of a nonporous material for easy cleaning and disinfecting. Each cage and enclosure is of sufficient size that at minimum the animal will have room to stand, turn, and lie down in a natural position. Each cage and enclosure is thoroughly cleaned and disinfected each day. Each cage and enclosure is locked or otherwise secured to prevent the escape of any animal being kept. Injured or ill animals shall be kept isolated from healthy animals;
 - (5) Daily feeding records are maintained to ensure that all animals are fed a proper and nutritious diet specific to the species' needs. The daily feeding records shall be maintained or posted in a readily accessible location. All veterinarians' orders must be in writing and kept on record and available for inspection during the Animal Establishment's or commercial breeder's regular business hours. In general, all animals under six (6) months of age are to be fed at least two (2) times per twenty four (24) hour period, or as advised by a veterinarian, and all other animals must be fed at least one (1) time per twenty four (24) hour period, or as advised by a

veterinarian. Food for each animal shall be served in a clean dish so constructed or mounted that the animal cannot readily tip it over and be of the type that are removable for cleaning. Disposable feeding dishes are acceptable for one-time use only. Animals that do not require daily feedings are exempt from the daily feeding requirement; however, feeding records shall be maintained and the animal shall be kept in a healthful body condition;

- (6) Each bird must have sufficient room to stand upright without touching the top of their housing area and to spread their wings fully without touching the side of their housing area. Each bird shall have access to a perch that is placed horizontal to other perches in the same cage and is of adequate size for the species being housed. The housing area must be sufficiently ventilated. Large birds shall have separate cages from smaller birds. There shall be clean water and suitable food available to the birds at all times and all troughs or other receptacles must be easily accessible to the birds and placed so that the birds cannot turn them over or defile their contents. Injured, diseased, or dead birds shall be immediately removed from housing areas holding healthy birds;
- (7) There is sufficient clean, dry bedding to meet needs of each individual animal;
- (8) All animals are fed and watered, and all cages cleaned and disinfected every day including Sundays and holidays;
- (9) All dogs, cats, and ferrets four (4) months of age or older have proof of being currently vaccinated against rabies;
- (10) Written procedures are in place to notify the Division of any local rabies control incident as required by Section 4-602 of this chapter;

- (b) A person commits an offense if he transfers ownership or offers to transfer ownership of any animal without first obtaining an Animal Establishment or Commercial Breeder Permit.
 - (1) It is an affirmative defense to subsection 4-800(b) if the transfer was a private sale of the animal as authorized by this chapter.
- (c) A person commits an offense if he is the owner of an Animal Establishment or Commercial Breeding Service and has a permit issued under this section and refuses, upon request by the Division, to make his animals, the portion of the premises that house or are used to service the animals, equipment, and any necessary registrations, veterinary records, feeding logs or permits available for inspection during regular business hours. If there are no set business hours, then the inspection may occur during reasonable hours.
- (d) A person commits an offense if he has a permit issued under this section and fails to meet the conditions set forth in section 4-800(a). Each separate condition that is not met shall constitute a separate offense.

Section 4-801. Revocation, denial and appeal.

- (a) The Animal Services Manager may revoke a permit issued under section 4-800 or refuse to issue a permit if the permittee or applicant fails to meet the standards required in section 4-800, refuses to permit inspections of the premises, or violates this chapter in any other way.
- (b) A denial or revocation of a permit may be appealed to the Health Director. The appeal must be made in writing within ten (10) days of receiving written notice of the permit denial or revocation from the Division. If no appeal request is received within the ten-day period, the denial or revocation of the permit becomes final. Upon receiving an appeal, the Health Director shall hold a hearing at a time and place of his designation within ten (10) days of the appeal being received. Based upon the recorded evidence of the hearing, the Health Director shall make a final ruling.
- (c) The decision of the Health Director shall be final.
- (d) The permittee or applicant may reapply for a new permit under section 4-800 at any time.

Section 4-802. Permit required for animal exhibition.

- (a) The presenter or owner of the animal exhibition, or the property owner where the exhibit is to take place must apply for an animal exhibition permit at least thirty (30) business days before the performance or display and provide exact dates, times, locations, transportation and housing arrangements, and animals involved in each performance or display. A permit shall be issued for an exhibition period of not more than seven (7) days if the animal exhibition pays the required fee and complies with the following conditions:
- (1) All cages or other animal housing areas are kept clean and free of wastes;
 - (2) Fresh water is available to all animals at all times. Containers are to be cleaned and disinfected each day. All water containers shall be removable for cleaning and mounted so the animal cannot turn them over;
 - (3) If indoors, the ambient temperature in the animal housing areas is maintained between 60-79°F at all times. The temperature in individual cages is maintained at a level that is healthful for the species of animals being housed and adequate ventilation is maintained in all animal housing areas. If outdoors, the exhibition must immediately be halted if at any time the heat index exceeds 95°F;
 - (4) All cages and enclosures are constructed of a nonporous material for easy cleaning and disinfecting. Each cage and enclosure is of sufficient size that at minimum the animal will have room to stand, turn, and lie down in a natural position. Each cage and enclosure is thoroughly cleaned and disinfected each day. Each cage and enclosure is locked or otherwise secured to prevent the escape of any animal being kept;
 - (5) Daily feeding records are maintained to ensure that all animals are fed a proper and nutritious diet specific to the species' needs. The daily feeding records shall be maintained or posted in a readily accessible location. All veterinarians' orders must be in writing and kept on record and available for inspection during the Animal Exhibition's regular business hours. In general, all animals under six (6) months of age are to be fed at least two (2) times per twenty four (24) hour period, or as advised by a veterinarian, and all other

animals must be fed at least one (1) time per twenty four (24) hour period, or as advised by a veterinarian. Food for each animal shall be served in a clean dish so constructed or mounted that the animal cannot readily tip it over and be of the type that are removable for cleaning. Disposable feeding dishes are acceptable for one-time use only. Animals that do not require daily feedings are exempt from the daily feeding requirement; however, feeding records shall be maintained and the animal shall be kept in a healthful body condition;

- (6) Each bird must have sufficient room to stand upright without touching the top of their housing area and to spread their wings fully without touching a side of their housing area. Each bird shall have access to a perch that is placed horizontal to other perches in the same cage and is of adequate size for the species being housed. The housing area must be sufficiently ventilated. The housing area must be cleaned every day and disinfected when birds are sold or otherwise transferred. Large birds shall have separate cages from smaller birds. There shall be clean water and suitable food available to the birds at all times and all troughs or other receptacles must be easily accessible to the birds and placed so that the birds cannot turn them over or defile their contents. Injured, diseased, or dead birds shall be immediately removed from housing areas holding healthy birds;
- (7) There is sufficient clean, dry bedding to meet needs of each individual animal;
- (8) All animals are fed and watered, and all cages cleaned and disinfected every day during the exhibition, including Sundays and holidays;
- (9) All dogs, cats, and ferrets four (4) months of age or older have proof of being currently vaccinated against rabies;
- (10) Animals being used to give rides or doing other work are in good physical condition, including their hooves or feet, and given not less than a thirty (30) minute break for each three (3) hours worked;
- (11) All areas used by the exhibitor are thoroughly cleaned and all wastes are properly disposed of at the conclusion of the exhibition;

- (12) Written procedures are in place to notify the Division of any local rabies control incident as required by Section 4-602 of this chapter;
- (13) The animal exhibition is divided into three distinct areas that are separated by barriers:
 - a. Non-animal areas - where animals, with the exception of service animals, are not permitted;
 - b. Transition areas - located at both entrances and exits to animal areas; and
 - c. Animal areas - where animal contact is possible.
- (14) The animal exhibition shall be designed so that there is a single entrance transition area leading to the animal area and a separate exit transition area leading out of the animal area. The permit holder shall be responsible for controlling visitor traffic to prevent overcrowding in any of these areas;
- (15) Entrance transition areas must be designed to facilitate education. Signs shall be posted at all entry transition areas notifying visitors that they are entering an animal area and that they are not to eat, drink, smoke, place their hands in their mouth, or use bottles or pacifiers while in the animal area. Signs warning that senior citizens, pregnant women, young children, and persons who are immunocompromised or mentally impaired are at an increased risk of disease or illness and should take extra precautions to protect themselves shall also be posted in the entrance transition area;
- (16) Strollers, food, and beverages are allowed to be possessed, prepared, served, or consumed only in non-animal areas. The animal exhibition permit applicant must provide storage or holding areas for these items for visitors;
- (17) Exit transition areas must be designed to facilitate hand washing. Signs shall be posted instructing visitors to wash their hands and illustrating proper hand-washing techniques. An appropriate number of hand washing stations shall be present in the exit transitional area. Hand washing stations must be accessible for all visitors, including children and persons with disabilities. Hand washing stations shall comply with all local, state, and federal waste water restrictions and requirements. A staff member must

be positioned in the exit transition area at all times to encourage hand washing;

- (18) Animal areas must provide adequate ventilation for both animals and people. Visitors may not be allowed to access animal food or water sources. Toys, pacifiers, baby bottles, strollers, food, beverages, or tobacco products may not be present in the animal area at any time. All manure and soiled bedding shall be removed immediately and all animal waste and specific tools for its removal must be stored in designated areas restricted from public access. Animals exhibiting any sign of illness, such as diarrhea, vomiting, nasal discharge, or malaise, shall immediately be removed from the animal area. No pregnant animals may be exhibited at any time. All animals that are required by state law to have a rabies vaccination must have the appropriate documentation stating that this requirement has been met. All animals being exhibited must have a health certificate that was issued by a licensed veterinarian within the last twelve (12) months.
- (b) Any wild animal, as defined in this chapter, may not be displayed in any Animal Exhibition or otherwise possessed within the City, unless the possession is specifically allowed by another section of this chapter.
- (c) A person commits an offense if he owns, manages, or represents an animal exhibition that requires a permit refuses, upon request by the Division during business hours, to make his animals, that portion of his premises used to house or service the animals, facilities, equipment, and any necessary registrations, records, feeding logs or permits available for inspection.
- (d) A person commits an offense if he owns, manages or operates an animal exhibition without a permit.
- (e) A person commits an offense if he owns, operate, manages, or represents an animal exhibition and has a permit issued under this section and fails to maintain the conditions in 4-802(a). Each animal or condition in violation of this chapter shall constitute a separate offense.

Section 4-803. Revocation, denial and appeal.

- (a) The Animal Services Manager may revoke a permit issued under section 4-802 or refuse to issue a permit if the permittee or applicant fails to meet the standards required in section 4-802, refuses to permit inspections of the premises, or violates this chapter in any other way.

- (b) A denial or revocation of a permit may be appealed to the Health Director. The appeal must be made in writing within ten (10) days of receiving written notice of the permit denial or revocation from the Division. If no appeal request is received within the ten-day period, the denial or revocation of the permit becomes final. Upon receiving an appeal, the Health Director shall hold a hearing at a time and place of his designation within ten (10) days of the appeal being received. Based upon the recorded evidence of the hearing, the Health Director shall make a final ruling. The appellant may request an accelerated hearing date and the Health Director shall grant the request if scheduling permits.
- (c) The decision of the Health Director shall be final.
- (d) The permittee or applicant may reapply for a permit under section 4-802 at any time.

Section 4-804. Permit required for pet grooming facilities.

- (a) Persons wishing to operate a Pet Grooming Facility within the City of Plano must apply for a pet grooming facility permit. A permit shall be issued if the requisite fee is paid, and the applicant meets the following requirements:
 - (1) Cold and hot water and appropriate chemicals for disinfection/sanitizing of cages, grooming tables, and grooming utensils is easily accessible to all parts of the animal housing areas;
 - (2) The temperature in the animal housing areas is maintained between 60-79°F at all times. The temperature in individual cages is maintained at a level that is healthful for the species and breed of animals being housed and adequate ventilation is maintained in all animal housing areas;
 - (3) All cages and enclosures are constructed of a nonporous material for easy cleaning and disinfecting. Each cage and enclosure is of sufficient size that at minimum the animal will have room to stand, turn, and lie down in a natural position. Each cage and enclosure is thoroughly cleaned and disinfected after each use;
 - (4) When necessary, there is sufficient clean, dry bedding to meet needs of each individual animal;

- (5) All animals held overnight must be fed and watered, and all cages housing animals cleaned every day including Sundays and holidays;
 - (6) Written procedures are in place to notify the Division of any local rabies control incident as required by Section 4-602 of this chapter.
- (b) A person commits an offense if he owns, manages, or represents a Pet Grooming Facility that requires a permit and refuses, upon request by the Division during business hours, to make his animals, that portion of the premises used to house or service the animals, facilities, equipment, and any necessary registrations, veterinary records, feeding logs or permits available for inspection for the purpose of ascertaining compliance with the provisions of this chapter.
 - (c) A person commits an offense if he holds a permit under this section and fails to comply with the requirements set forth in section 4-804(a). Each animal or condition in violation of this chapter shall constitute a separate offense.
 - (d) A person commits an offense if he owns, manages or operates a Pet Grooming Facility without the permit required by this section.

Section 4-805. Revocation, denial and appeal.

- (a) The Animal Services Manager may revoke a permit issued under section 4-804 or refuse to issue a permit if the permittee or applicant fails to meet the standards required in section 4-804, refuses to permit inspections of the premises, or violates this chapter in any other way.
- (b) A denial or revocation may be appealed to the Health Director. The appeal must be made in writing within ten (10) days of receiving written notice of the permit denial or revocation from the Division. If no appeal request is received within the ten-day period, the denial or revocation of the permit becomes final. Upon receiving an appeal, the Health Director shall hold a hearing at a time and place of his designation within ten (10) days of the appeal being received. Based upon the recorded evidence of the hearing, the Health Director shall make a final ruling. The appellant may request an accelerated hearing date and the Health Director shall grant the request if scheduling permits.
- (c) The decision of the Health Director shall be final.

- (d) The permittee or applicant may reapply for a new permit under section 4-804 at any time.

Section 4-806. Wildlife Educational Centers.

- (a) A Wildlife Educational Center, as defined herein, shall obtain a Wildlife Educational Center permit from the Health Director and shall comply with any and all applicable local, federal and state regulations. The Health Director shall require the owner or operator of the Center to present proof that the Center has all the required federal and state permits prior to issuing the permit.
- (b) Permitted Wildlife Educational Centers shall obtain written permission from the Health Director to keep any non-indigenous wild animal and shall meet all housing requirements set forth by the Health Director for the purposes of safely housing the animal.
- (c) The Health Director shall waive the permit fee if the Center is a non-profit center.
- (d) A person commits an offense if he owns, operates or manages a Center which has a permit issued by the City and he refuses, upon request by the Division, to make his animals, the portion of his premises used to house or service the animals, facilities, equipment, and any necessary registrations or permits available for inspection during the establishment's regular business hours or at any other reasonable hour.
- (e) A person commits an offense if he owns, operates or manages a Center without a permit.

Section 4-807. Display of Permits Required.

A person commits an offense if he holds a permit for an Animal Establishment, Animal Exhibition, Pet Grooming Facility, or Wildlife Educational Center and fails to prominently display a copy of the current permit in a public area at all times.

Section 4-808. Wildlife Rehabilitators.

- (a) All Wildlife Rehabilitators, as defined herein, shall register as a Wildlife Rehabilitator with the Division and shall comply with any and all applicable federal state and local regulations regarding the handling and release of wildlife.

- (b) A person commits an offense if he is a registered Wildlife Rehabilitator and he refuses, upon request by the Division, to make his animals, the portion of his premises that is used to house or service animals, facilities, equipment, and any necessary registrations or permits available for inspection during business hours. If there are no regular business hours, then the inspection may occur during reasonable hours.
- (c) A person commits an offense if he operates as a Wildlife Rehabilitator and fails to register with the Division.

Section 4-809. Private Animal Sales.

- (a) No owner or person shall advertise, display, transfer ownership or offer to transfer ownership of any dog, cat, or ferret over four (4) months of age that is not sterilized, implanted with a microchip, and currently vaccinated against rabies.
- (b) A releasing agency, with written permission from the Division, may transfer ownership of animals provided that the following conditions are met:
 - (1) All other provisions of this chapter are complied with;
 - (2) All displayed animals are sterilized;
 - (3) All displayed animals over three months of age have been vaccinated against rabies in accordance with this chapter;
 - (4) All displayed animals have been implanted with a microchip; and
 - (5) The agency keeps a record for each animal adopted, including the contact information of each new owner and the microchip information and proof of vaccination and sterilization for each animal adopted.
- (c) A person commits an offense if he advertises, displays, transfers ownership, or offers to transfer ownership of more than one (1) litter, clutch, or other group of offspring per twelve (12) month period to another person for the purpose of breeding, show, personal pet, or resale to a third person, without first obtaining a Commercial Breeder permit, unless the owner or person is a governmental agency acting in an official capacity or a releasing agency acting in accordance with all other provisions of this chapter.

- (d) A person commits an offense if he advertises, displays, transfers ownership, or offers to transfer ownership of any live animal on any public property without written permission from the Division.
- (e) A person commits an offense if he advertises, displays, transfers ownership, or offers to transfer ownership of any live animal on any private property that is not owned or leased by the person displaying the animal.

ARTICLE IX. DANGEROUS ANIMALS

Section 4-900. Complaints.

- (a) Upon receipt of a sworn, written complaint by any person over the age of eighteen (18) charging that a particular domestic animal is a dangerous animal as defined in this chapter, the City Enforcement Agent shall investigate the complaint, and if there is sufficient evidence of dangerousness, a hearing before the Health Director or his designee shall be held to determine whether the animal is dangerous, unless the matter is resolved by agreement of all parties prior to the hearing. To be considered valid, the sworn, written complaints shall contain at least the following information:
 - (1) Name, address and telephone number of complainant(s) and other witnesses;
 - (2) A description of the animal and the address where it resides, and, if known, the name and telephone number of the owner of the animal;
 - (3) A statement describing the facts upon which the complaint is based including: a description of the incident or incidents which cause the complainant to believe the animal is a dangerous animal; the date, time and location of the incident; a description of the injuries sustained and whether medical assistance was sought and the outcome of that treatment;
 - (4) Any other facts that the complainant believes to be important.

Section 4-901. Impoundment pending hearing.

- (a) Prior to the hearing the animal shall be boarded at the owner's expense at the Animal Services Facility, or any other state approved quarantine facility, pending the outcome of the hearing. If the animal that is the

subject of the hearing was already impounded for being an animal at large, the animal shall remain impounded until the conclusion of the hearing.

- (b) A person commits an offense if he interferes with the lawful seizure of an animal by a City Enforcement Agent.
- (c) A person commits an offense if he harbors, hides, transports, or secures the transport for any animal for the purpose of preventing its impoundment.
- (d) A person commits an offense if the person operates or manages a quarantine facility other than the Animal Services Facility, and he fails to properly confine the animal as to prevent its escape, releases it to any person; or not be able to account for the animal's whereabouts.
 - (1) Subsection (d) shall not apply if the person operating or managing the quarantine facility first obtains written permission from the Health Director to release the animal;

Section 4-902. Hearing.

- (a) The hearing to determine if an animal is a Dangerous Animal shall be conducted within twenty (20) business days after receipt of the complaint, impoundment, or seizure of the animal, whichever occurs later.
- (b) Notice of the hearing shall be provided by the Health Director or his designee to the owner of the animal and the complainants by certified mail, return receipt requested or by personal service. At the hearing all parties shall be given opportunity to present evidence on the issue of whether the animal is dangerous.
- (c) Upon conclusion of a hearing to determine if an animal is a Dangerous Animal, the Health Director may find that the animal is not dangerous and order that it be promptly returned to its owner's custody after all impound and board fees have been paid. The Health Director shall have the authority to refund, reduce, or waive any fees incurred to the owner.
- (d) For the Health Director to deem the animal dangerous he must find that the animal meets the definition of a Dangerous Animal as listed in Section 4-100 of this chapter and that the destruction, removal, or registration of the animal is necessary to preserve the public health, safety, and welfare. If the animal is determined to be dangerous, the Health Director or his designee shall order that the owner comply with one of the following:

- (1) Euthanasia of the dangerous animal:
 - a. shall be ordered if the Health Director determines the animal caused the death or serious bodily injury of a person;
 - b. may be ordered if the Health Director determines the animal caused bodily injury to a person;
 - c. may be ordered if the Health Director determines the animal was outside its enclosure or yard and caused serious bodily injury or death to another animal;
 - d. may be ordered if the Health Director determines the animal was outside its enclosure or yard and caused bodily injury to another animal and has made at least one (1) unprovoked attack against an animal or person on a previous occasion;
 - e. the owner of the animal may elect euthanasia.
- (2) Removal of the dangerous animal from within the City limits.

Prior to the release of the animal from quarantine the owner must provide to the Health Director, in writing, the destination address of where the animal is to reside and proof that the owner has alerted the agency responsible for animal services in that area. Additionally, the owner shall furnish proof of having a microchip implanted into the animal to the Health Director and make available at the Animal Services Facility the animal for scanning so the City can verify the code.

- a. A person commits an offense if he removes the animal from the City under this section and fails to:
 - 1. Implant a microchip in the animal; or
 - 2. Provide proof of the implanting of the microchip; or
 - 3. Make the animal available for scanning.
- b. A person commits an offense if he removes the animal from a state approved quarantine facility prior to complying with the notice requirements in subsection 4-902(d) (2).

- (3) Return to the owner as a registered Dangerous Animal once the owner demonstrates compliance with this chapter and the following requirements:
- a. Obtaining liability insurance coverage or showing financial responsibility in an amount of at least two hundred and fifty thousand dollars (\$250,000.00) to cover damages resulting from an attack by the Dangerous Animal causing bodily injury, serious bodily injury or death to a person or another animal. A certificate of insurance or other evidence of meeting the above requirements shall be kept on file at the Animal Services Facility;
 - b. Registering with the City of Plano by providing the name and address of the owner; the breed, age, sex, color and any other identifying marks of the animal; the address where the animal is to be kept; and at least two (2) color photographs that clearly identify the Dangerous Animal;
 - c. Having proof of animal sterilization;
 - d. Constructing a secure enclosure for the animal;
 - e. Posting 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 shall bear letters not less than two (2) inches high, stating "DANGEROUS ANIMAL ON PREMISES";
 - f. Providing the animal with a fluorescent yellow collar visible at fifty (50) feet in normal daylight and attaching a fluorescent orange tag provided by the Division to the collar that is worn at all times so that the animal can be easily identified;
 - g. Implanting a microchip into the animal and registering it for life with the Division and a recognized national registry;
 - h. Providing written notice of the animal's designation as dangerous to the owner or landlord of the property where the animal will be kept;

- i. Paying the appropriate Dangerous Animal annual permit fee;
 - j. No Dangerous Animal shall be allowed to remain in any duplex or in any multi-family, residentially zoned property. No Dangerous Animal may be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit of its own volition. In addition, no Dangerous Animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure; and
 - k. The owner shall not allow the animal to be outside of the owner's residence or its secure enclosure unless the animal is under continuous direct physical control by a person of competent mental and physical ability to restrain the animal under all circumstances. Dangerous Animals shall not be tethered to inanimate objects, such as trees, posts, buildings, etc., for any length of time. A Dangerous Animal that is outside its secure enclosure must be securely fitted with a muzzle that will not cause injury to the animal nor interfere with its vision or respiration but shall prevent the animal from biting other animals or human beings.
- (e) The owner shall have fifteen (15) days from the declaration of the animal as dangerous to comply with all of the required conditions as set forth by this chapter. If the owner fails to provide proof of meeting all of the requirements, the animal may be euthanized on the sixteenth (16th) day.
 - (f) A person commits an offense if he is the owner of a permitted Dangerous Animal and refuses, upon request by the Division, to make his animal, premises, facilities, equipment, and any necessary permits available for inspection at any reasonable time.
 - (g) A person commits an offense if he is the owner of a Dangerous Animal and he fails to comply with the requirements in 4-902(d) (3).
 - (h) No domestic animal may be declared a Dangerous Animal if:
 - (1) The threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the

premises occupied by the owner of the animal;

- (2) The person was teasing, tormenting, abusing, or assaulting the animal or has in the past been observed to have teased, tormented, abused, or assaulted the animal;
- (3) The person attacked was committing or attempting to commit a crime;
- (4) The animal attacked was at large at the time of the incident, unless the attacking animal was also at large at the time of the incident and:
 - a. The attacking animal has committed an unprovoked attack on another person or animal on at least one (1) previous occasion; or
 - b. The animal attacked suffered serious bodily injury or died as a result of the injuries it sustained during the attack.
- (5) The animal attacked or killed at the time of the incident was teasing, tormenting, abusing, or attacking the alleged Dangerous Animal or if the animal attacked was not a domestic animal;
- (6) The animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault;
- (7) The animal was injured and responding to pain; or
- (8) The complaint filed against it is based solely on the animal's breed, size, or physical appearance.

Section 4-903. Dangerous Animal: escape, death or subsequent attack.

- (a) In the event that a registered Dangerous Animal escapes its enclosure or attacks a human being or another animal, the owner of the Dangerous Animal shall notify the Division. Additionally, the owner shall provide written documentation of the incident to the Health Director within one (1) business day of becoming aware of the escape or attack. The written documentation may be delivered by hand, U.S. mail or email.
 - (1) A person commits an offense if he fails to provide notice.

(2) A person commits an offense if he fails to provide written documentation.

(b) In the event that a registered Dangerous Animal dies, the owner must present the body of the animal to the Division or a licensed veterinarian for verification by microchip identification before disposal of its body. If the owner presents the animal to a licensed veterinarian, the owner shall provide written verification of the microchip reading to the Division within three (3) business days of the scanning.

(1) A person commits an offense if he fails to have the identity of the dead animal verified by microchip scanning.

(2) A person commits an offense if he fails to provide verification of the scanning as required by this subsection.

Section 4-904. Transferring ownership of registered Dangerous Animal.

(a) Prior to transferring ownership, offering to transfer ownership, or otherwise moving or offering to move in any way a registered Dangerous Animal, either inside or outside the City limits, the owner shall notify the Health Director in writing of his intention. The notification shall include the name and address of the proposed new owner of the animal.

(b) If ownership of the animal is being transferred to a person who resides within the City limits of Plano, the new owner will be required to provide proof to the Health Director of complying with all provisions of this chapter before the animal can be moved from the previous owner's custody.

(c) If the animal is being moved outside the City limits, the owner must provide, in writing to the Health Director, proof that the new owner has alerted the agency responsible for animal services in that area.

(d) A person commits an offense if he transfers ownership without complying with the requirements of this section.

Section 4-905. Violations of conditions by owner of a registered Dangerous Animal.

(a) In the event that any owner of a registered Dangerous Animal violates any provision of this chapter, court order or lawful order of the Health Director, the animal may be immediately seized and impounded by a City Enforcement Agent.

- (b) The registered Dangerous Animal shall be seized immediately if the animal bites, injures, or attacks a human being or another animal.
- (c) A Dangerous Animal hearing shall be held.
- (d) If the seizure or impoundment of a Dangerous Animal for violating any provision of this chapter cannot be made with safety, and the Dangerous Animal is putting people or other animals at risk of being attacked, the animal may be destroyed without prior notice to the owner.
- (e) It is an exception to the seizure of the animal under this section if the person attacked or injured was at the time committing a willful trespass, crime or other tort upon the premises occupied by the owner of the animal.
- (f) It is an exception to the seizure of the animal under this section if the animal which was injured was inside the fence line or secure enclosure area maintained by the owner of the registered Dangerous Animal.

Section 4-906. Appeal.

Orders of the Health Director pertaining to a Dangerous Animal may be appealed to a court of competent jurisdiction, including the Plano Municipal Court. Appeals to the court shall be made by the owner filing a written notice of appeal with the court not later than the fifth (5th) day after the date the Health Director's order was entered. During the pendency of the appeal, the order of the Health Director shall be suspended, and the animal shall remain impounded at the owner's expense at the Animal Services Facility or other state approved quarantine facility for observation. The Health Director shall furnish the reviewing court with all reports, memoranda, and other tangible evidence received by the Health Director as well as a summary of the evidence presented and the Health Director's findings within five (5) business days of receiving notice of appeal from the appellant. The reviewing court shall have fifteen (15) calendar days from the receipt of the notice of appeal and the documentation to affirm, modify, or reverse the decision. The decision of the reviewing court shall be made by the application of the substantial evidence rule. Decisions of the reviewing court shall be final.

Section 4-907. Animals deemed dangerous by other jurisdictions.

- (a) The owner of an animal that has been determined to be dangerous by another jurisdiction, under guidelines similar to those in this chapter, is prohibited from bringing the animal into the City. Any animal that is brought into the City in violation of this section shall immediately be turned over to a City Enforcement Agent. On the sixteenth (16th) day, the

impounded animal may be considered abandoned and disposed of as authorized in this chapter. The owner may elect to immediately remove the animal from the City and shall comply with the notice requirements of this chapter.

- (1) A person commits an offense if he is the owner of an animal that has been determined to be dangerous by another jurisdiction and brings such animal into the City limits.

Section 4-908. Listing of registered Dangerous Animals.

The Health Director shall publish a list available to any citizen that states the identifying information of all animals deemed dangerous. The Dangerous Animal's address, description, and pictures shall be included as well as any other information deemed pertinent. The list shall be available at the Animal Services Facility and on the City's webpage.

ARTICLE X. WILD ANIMALS, BEES, AND LIVESTOCK

Section 4-1000. Keeping wild animals.

- (a) A person commits an offense if he possesses any wild animal within the City of Plano, with the following exceptions:
 - (1) A governmental agency or entity performing a governmental function;
 - (2) A zoological park;
 - (3) A permitted Wildlife Educational Center that is also in possession of all necessary state and federal permits to possess the animal and is in compliance with all restrictions of the state and/or federal permits; or
 - (4) A registered Wildlife Rehabilitator in possession of an indigenous wild animal who holds all necessary state and federal permits to possess the animal and is in compliance with all restrictions of the state and/or federal permits.
- (b) For the purposes of this chapter, the Health Director shall make the determination of whether any animal in question is a domestic animal or a wild animal and whether any wild animal is indigenous pursuant to the definitions in section 4-100 of this chapter.

- (c) A person commits an offense if he is aware of a wild animal in the City of Plano and fails to notify the Division.

Section 4-1001. Sale of wild animals.

- (a) A person commits an offense if he transfers ownership or offers to transfer ownership of any wild animal, unless allowed by another provision of this chapter.
- (b) This section shall not be interpreted to restrict a person from giving ill, injured, or orphaned wildlife to a registered Wildlife Rehabilitator or to a permitted Wildlife Educational Center. This section shall not be interpreted to restrict a permitted Wildlife Educational Center from transferring wild animals to another educational center, zoological park, or other facility capable of legally caring for the animal.

Section 4-1002. Bee-keeping.

- (a) A person commits an offense if he keeps or allows bees, their hives, or any abandoned hives within the City limits. Honey bees may be kept if all of the following conditions are met:
 - (1) All hives shall be surrounded by barriers placed at least ten (10) feet from the hive and not less than eight (8) feet in height that change the flight path of the bees as they leave the hives;
 - (2) There shall be no more than three (3) hives per City lot;
 - (3) There is an adequate source of water within twenty (20) feet of all hives;
 - (4) There may be maintained one nucleus for each two (2) colonies. The nucleus shall not exceed one ten-frame hive body. Each nucleus shall be disposed of within sixty (60) days after it is acquired;
 - (5) Each hive must be re-queened at least once every twenty-four (24) months; and
 - (6) The owner notifies the City Enforcement Agent, in writing, of the location and number of hives in his possession. Additionally, the owner shall keep purchase receipts and written records of the exact dates he re-queens each hive for at least two (2) years.

- (b) A person commits an offense if he owns, harbors, or possesses bees and refuses, upon request by the Division, to make his bees, premises, facilities, or equipment available for inspection during reasonable hours.

Section 4-1003. Keeping livestock; nuisance conditions.

- (a) A person commits an offense if he keeps livestock within the corporate limits of the City, except in conformance with the zoning ordinances of the City.
- (b) A person commits an offense if he keeps livestock in pens or enclosed areas in such a manner as to create odors or noise which are offensive to other persons living nearby.
- (c) A person commits an offense if he fails to dispose of manure and other excrement in such a manner as to prevent the odor from becoming offensive or causing unhealthy conditions to persons.
- (d) A person commits an offense if he engages in or practices any falconry activities on any public land without obtaining prior written permission from the Health Director. Permission may only be granted for the purposes of controlling and removing avian species deemed a nuisance.
- (e) Any hog or swine being legally kept within the City limits prior to the effective date of this ordinance shall be allowed to remain within the City so long as the owner complies with all other requirements of this chapter.
- (f) Veterinary hospitals, Wildlife Educational Centers, school agricultural barns, and fair grounds, when hogs or swine are kept therein for exhibition or veterinary treatment purposes, are exempt from this section provided that all pens, barns, stables, or other housing facilities meet the requirements of the City building code and zoning ordinance, and are maintained in such a way as to prevent them from creating a nuisance for any surrounding businesses or residences.

Section 4-1004. Estray.

- (a) A person commits an offense if he is the owner of livestock and allows an estray to be unattended upon any public street, alley, thoroughfare or upon the property of another in the corporate City limits of Plano.

ARTICLE XI. MISCELLANEOUS OFFENSES

Section 4-1100. Retention of animals at large.

- (a) A person commits an offense if the person confines an at-large animal, other than one already owned by the person, on his property without notifying the Division of the confinement within twenty-four (24) hours.

Section 4-1101. Interference; Filing of False Claims or Reports.

- (a) A person commits an offense if he prevents, interferes with, obstructs, or gives false information to any City Enforcement Agent who is in the lawful discharge of his duties under this chapter, state, local or federal laws.
- (b) A person commits an offense if he fails to comply with any lawful order of a City Enforcement Agent issued by the Agent during the enforcement of this chapter, state, local or federal laws.
- (c) A person commits an offense if he makes a claim of ownership for an animal that he knows is false.
- (d) A person commits an offense if he makes a report of a violation of City ordinance or state, local or federal law that he knows is false.

Section 4-1102. Inducement prohibited.

- (a) A person commits an offense if the person transfers ownership, or offers to transfer ownership, of any live animal which is physically present at an event or business as a prize or as an inducement:
 - (1) to enter any contest, game, raffle, auction, or other competition; or
 - (2) to enter into a business agreement.
- (b) This section shall not be interpreted to restrict any livestock from being offered for sale at a public auction house or livestock show or barn, provided that the sale does not otherwise violate any other section of this chapter or any other state, local or federal law.
- (c) Subsection (a) shall not apply if the prize or inducement offered was a gift certificate or other document that could be exchanged for a live animal on a subsequent date and time.

Section 4-1103. Parking of vehicles used to transport animals.

- (a) A person commits an offense if he parks a truck, trailer, or other vehicle that is used for the hauling of livestock, animals or fowl in a residential area of the City of Plano and the vehicle is creating odors, gases or fumes that are offensive to a person of reasonable sensibilities.

Section 4-1104. Slaughtering of animals within public view.

- (a) A person commits an offense if he slaughters an animal in an area that is open to the view of the general public.”

Section II. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section III. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section V. Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this the _____ day of _____, 2009.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY