

## Chapter 14 - ANIMALS<sup>[1]</sup>

### Footnotes:

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**State Law reference**— Health and safety of animals, Texas Health and Safety Code § 821.001 et seq.; regulation of animals, Texas Health and Safety Code § 822.001 et seq.; rabies control, Texas Health and Safety Code § 826.001 et seq.; dog and cat sterilization, Texas Health and Safety Code § 828.001 et seq.; animal control officer training, Texas Health and Safety Code § 829.001 et seq.; cruelty to animals, Texas Penal Code §§ 42.09, 42.092; attack on assistance animals, Texas Penal Code § 42.091; dogfighting, Texas Penal Code § 42.10.

### ARTICLE I. - IN GENERAL

#### Sec. 14-1. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abuse* means to mistreat through intent or neglect any animal, fowl, livestock, or wildlife in a manner that causes or is likely to cause stress or physical injury, as provided in Texas Penal Code §42.092, or as otherwise stated in this chapter.

*Animal* means any living organism of the Kingdom Animalia that breathes and feeds on organic material. When used in this chapter, the term "animal" includes, but is not limited to, dogs, cats, livestock, fowl, vertebrates, fish, and hermit crabs.

*Animal Care Officer (ACO)* means an employee of the City of Wichita Falls, Texas, who is authorized to enforce all State laws and city ordinances as they pertain to animals.

*Animal Clinic* means any private or public facility, either non-profit or for hire, that provides veterinary services such as vaccinations and spay/neuter services for dogs and cats.

*Animal foster home* means any residence that is registered with a rescue or wildlife rehabilitation group and approved by the health director or their designee for the purpose of housing domestic animals until adopted into a permanent household or housing wildlife until they are weaned and able to feed independently. The foster home must be inspected and approved by the rescue group and may be subject to inspection by Animal Services Center staff at any time.

*Animal foster home caregiver* means a person who harbors fostered animals through an ASC approved rescue group.

*Animal Services Center (ASC)* means the Wichita Falls Animal Services Center or other facility designated by the city council as the municipal animal shelter to be used for the housing of any animal impounded by Animal Care Officer any employee of the ASC.

*At large* means any animal, including fowl or livestock, not restrained by some physical means to the premises of its owner or harborer/caretaker. An animal shall not be considered at large when held and controlled by some person by means of a leash or chain of proper strength and length to control the actions of the animal, fowl or livestock. An animal shall not be considered at large when participating in a

show, competition, or training program. A licensed cat or a cat harbored as a member cat of a registered cat colony shall not be considered at large unless they are creating a public nuisance or are unaltered.

*Authorized veterinary clinic* means a clinic that has been pre-approved by the health district to offer for sale animal license tags to their clients.

*Cat colony location* means the location at which a feral cat caregiver provides food, water, or shelter to feral cats in compliance with the cat colony guidelines herein.

*Circus* means a commercial variety show featuring animal acts for the public.

*Commercial animal establishment* means any pet shop, petting zoo, grooming business, riding school, stable, zoological park, circus, performing animal exhibition, or kennel.

*Cruelly treated* includes tortured; seriously overworked; abandoned; deprived of adequate food water, care, or shelter; cruelly confined; or caused to fight with another animal.

*Curtilage* means any land or building immediately adjacent to a dwelling that is directly and intimately connected with the habitation.

*Dangerous Animal.* An animal, other than a dog that the director determines to be a danger to human life, health, or safety.

*Dangerous Dog.* A dog that makes an unprovoked attack on a person or animal that causes bodily injury and occurs in a place other than the enclosure in which the dog is normally kept or was being kept or commits unprovoked acts in a place other than the enclosure in which the dog is normally kept or was being kept, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person or to another animal.

*Director* means the health director of the Wichita Falls-Wichita County Health District or his or her designee.

*Distance between structures* means a straight line from the nearest point of the shed, stable, barn, pen, enclosure, fence, or area in which the animal is contained to the nearest point of such actual residence or building used for human habitation.

*Ear tipping* means the painless removal of a quarter-inch from the top of a feral cat's left ear (occasionally may be the right ear) by a licensed veterinarian while the cat is anesthetized for spaying/neutering. Ear tipping is intended to identify a feral cat as having been evaluated, vaccinated, and spayed/neutered.

*Enclosure* means an area sectioned off by a fence or wall.

*Equine* means any animal found in the horse family, including but not limited to horses, donkeys, and zebras.

*Feral cat* means any cat that is not socialized towards humans, is born in the wild or is a formerly owned cat that has been abandoned, or a cat that lives in the community that is not owned by humans, and sometimes referred to as a free-roaming or street cat.

*Feral cat caregiver* means a person who harbors feral cats in compliance with the permitted feral cat management guidelines contained herein.

*Feral Cat Colony* means five or more feral cats that live together in one territory, often near food sources and shelter.

*First Offender* means a person that has received a citation for an animal related offense occurring in the city limits of Wichita Falls for the first time.

*Fostered animal* means an animal residing in a foster home registered and approved by an ASC approved rescue group until its adoption into a permanent household.

*Fowl* includes chickens, turkeys, pheasants, quail, guineas, geese, ducks, peafowl, and other domestic feathered creatures regardless of age or sex, except parakeets, canaries, or similar small-size birds, or any exotic birds, such as parrots, provided they are continuously confined within the residence or business of the owner/harbinger.

*Grooming* means the hygienic care and cleaning of an animal, which includes but is not limited to keeping a dog or cats nails trimmed to an appropriate length and keeping hair and fur free of mats and burs. Hair shall be maintained in a manner allowing the animal to have a clear line of sight.

*Grooming Business* means a commercial business establishment including a mobile grooming unit where animals, for a fee, are bathed, clipped, or combed to enhance their aesthetic value, health, or both.

*Harbor* means to provide any animal, fowl, livestock, or wildlife with food, water, or shelter.

*Health district* means the Wichita Falls-Wichita County Public Health District.

*Impoundment* means to take an animal into custody by a City of Wichita Falls ACO or other employee of the ASC. Impoundment begins at the time any Animal Care Officer/employee of the ASC takes control of the animal.

*In season* means during the stage of estrus or heat.

*Kennel* means any lot, building, structure, enclosure, or premises used for commercial purposes wherein one or more dogs and/or cats, 16 weeks of age or older, are kept or maintained for profit, including animal daycare facilities and veterinary clinics/hospitals.

*Livestock* means a domestic animal generally used or raised on a farm for profit or use, including but not limited to bovine, equine, sheep, goats, swine, or any other animal defined as livestock by the State Agriculture Code, whether commonly domesticated or not.

*LRCA* means local rabies control authority.

*Member cat* means a feral cat that is part of a registered feral cat colony.

*Microchip* means an identifying integrated circuit device placed under the skin of an animal and containing information regarding that animal, including the identity and address of the owner, which can be read with a scanner capable of reading information from identifying integrated circuit devices.

*Neutered* means any male animal rendered incapable of breeding by castration.

*Official notice* means written notice delivered in person Animal Care Officer by an ACO or sent by certified mail, return receipt requested, addressed to the last known address of the recipient by either an ACO or an ASC designee.

*Owner* means a person who owns, keeps, shelters, maintains, feeds, harbors, or has temporary or permanent custody of a domestic or prohibited animal, or who knowingly permits a domestic or prohibited animal to remain on or about any premises over which that person has control. The term shall include a person who harbored, fed, or sheltered the animal for three (3) consecutive days or more.

*Performing animal* means any spectacle, display, act, or event in which animals, fowl, livestock, or wildlife perform.

*Pet store* means any person, partnership, company, or corporation, whether operated separately or in connection with another business enterprise, that buys or sells any species of animal.

*Petting Zoo* means a collection of animals for people to pet and feed.

*Potbellied Pig* means a Vietnamese potbellied pig. Under no circumstances shall any swine be considered a potbellied pig if its weight exceeds 125 lbs.

*Private Animal Shelter* means an establishment that provides a temporary home for dogs, cats, and other animals that are offered for adoption or rescue. Municipal Shelters are excluded from this definition.

*Prohibited Animal* means:

- (1) Any wild or exotic animal or any animal not normally born and raised in captivity, including, but not limited to, the following:
  - a. Reptiles: venomous lizards, venomous snakes, crocodiles, alligators, caimans, and gharial;
  - b. Mammals:
    1. Felines (such as lions, tigers, bobcats, jaguars, leopards, and cougars), except commonly domesticated cats;
    2. Canines (such as wolves, dingos, coyotes, foxes and jackals and any hybrid of a canine), except commonly domesticated dogs;
    3. Mustelids (such as weasels, skunks, martins, minks, badgers, and otters) except ferrets;
    4. Procyonids (such as raccoons and coati);
    5. Bears;
    6. Marsupials (such as kangaroos, opossums, koala bears, wallabies, bandicoots, and wombats);
    7. Bats;
    8. Sloths, anteaters, armadillo, and related species;
    9. Elephants;
    10. Primates (such as monkeys, chimpanzees, orangutans, and gorillas);

11. Rodents (such as beavers and porcupines), except commonly domesticated rodents, kept as pets including hamsters, gerbils, guinea pigs, rats, mice, and chinchillas; and

c. Amphibians: poisonous frogs.

- (2) Does not include nonpoisonous reptiles or nonpoisonous amphibians.
- (3) Does not include livestock, fowl or normal household pets, such as, but not limited to, dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small, nonpoisonous reptiles, snakes, or amphibians.

*Public nuisance* means any action or condition that has the potential to affect the health, safety, or welfare of the public, including the following:

- (1) Any animal, fowl, or livestock that molests, chases, or attacks passersby or passing vehicles;
- (2) Any animal, fowl, or livestock that molests, chases, or attacks other animals;
- (3) Any animal, fowl, or livestock that trespasses on school grounds;
- (4) Any animal, fowl, or livestock that is repeatedly at large (e.g., two (2) or more times per 12-month period) while being owned/harbored by the same person;
- (5) Any animal, fowl, or livestock that damages or defiles private or public property;
- (6) Any animal, fowl, or livestock that barks, whines, howls, crows, or makes other noise in an excessive or continuous fashion;
- (7) Any dog or cat that is unconfined in season.
- (8) Any animal, fowl, or livestock that has been deemed a dangerous animal and not confined as required by this chapter;
- (9) Fecal matter, garbage, or other organic wastes deposited, stored, discharged, or exposed in such a way as to be a potential instrument or medium in disease transmission;
- (10) A condition or place that is a breeding ground for flies;
- (11) A collection of water in which mosquitoes are breeding;
- (12) A place or condition harboring rats;
- (13) An object, place, or condition that is a potential medium of disease transmission to humans;
- (14) Any animal, fowl, or livestock which damages, soils, defiles, urinates, or defecates on private property other than the owners;
- (15) Providing food or water to a feral cat that is not associated with a registered cat colony or a non member feral cat. ;
- (16) A place or condition that has the potential to produce obnoxious or foul odors.

*Rabies* means an acute viral disease of humans and animals affecting the central nervous system and usually transmitted by the saliva of an animal by a scratch or bite.

***Rescue Group* means an organization approved by the director or his or her designee whose mission is to take unwanted, abandoned, abused, or stray animals and attempt to find them suitable homes, or a wildlife group whose mission is to take young or injured wildlife and rehabilitate them until they can be released into the wild.**

*Registered cat colony* means one or more feral cats that live together under the supervision of a particular feral cat caregiver in compliance with the registered cat colony management guidelines contained herein.

*Residence* means any place of human habitation at any time, day, or night, including but not limited to any residence, church, school, convalescent center, or nursing home.

*Responsible Pet Owner Program* means the program conducted by ASC staff to provide education on animal-related city ordinances and state laws.

*Restrained* means any animal secured by a leash or lead held by the owner or responsible party or physically confined within the property limits of its owner. Physical confinement must be appropriate in height and strength to confine the animal(s) on the property. Invisible fencing, remote control collars, and voice commands are not recognized as proper restraints for animals.

*Riding school and stable* means any place that has available for hire, boarding, and/or riding instruction horses, ponies, donkeys, mules, or burros.

*Sanitary* means any condition of good order and cleanliness that discourages and limits disease transmission.

*Spayed* means any female animal rendered incapable of being bred by removal of the ovaries.

*Vaccination* means an injection of a vaccine, including rabies, which is approved by the U.S. Department of Agriculture, veterinary biologics division, state veterinarian, and administered as required by state law.

*Veterinarian* means any person duly licensed to practice veterinary medicine by the State Board of Veterinary Examiners.

*Veterinary clinic/hospital* means any establishment maintained and operated by a licensed veterinarian for surgery and/or diagnosis and treatment of diseases and injuries of animals, fowl, livestock, or wildlife including but not limited to a mobile or outpatient clinic.

*Wild animal (wildlife)* means any nondomestic creature (mammal, amphibian, reptile, or fowl) that is of a species that is wild by nature and that can normally be found in the wild state and that is not naturally tame or gentle but is of a wild nature or disposition; or that, because of its size, vicious nature and other characteristics, would constitute a danger to human life or property, if not kept or maintained in a safe and secure manner. Such creatures include, but are not limited to, all nonhuman primates and all forms of venomous reptiles and nonvenomous snakes that will exceed a length of six feet when mature. Excluded from this definition are hamsters, gerbils, ferrets, domesticated breeds of rabbits, guinea pigs, rats, mice, newts, and salamanders.

*Zoological park* means any facility, other than a pet store or kennel, displaying or exhibiting one or more species of animals, fowl, livestock, and wildlife, operated by a person or under the auspices of a government agency or possessing an unrevoked municipal zoological park permit.

(Code 2001, § 14-1; Ord. No. 21-2009, § 1, 3-3-2009)

#### Sec. 14-2 Incorporation by Reference.

Any reference made in this chapter to any other law, statute, code, ordinance, rule or regulation is intended to incorporate such material as it presently exists and also any future amendments, changes, revisions, repeals or recodifications of such material, unless otherwise expressly provided.

#### Sec. 14.3 Violations; Penalties.

- (a) Any violation, disobedience, omission, neglect, failure, or refusal to comply with the enforcement of any of the provisions of this chapter shall be punishable by a fine not to exceed \$2,000 for each violation. Unless otherwise specifically stated in this chapter, any violation of this chapter that is punishable by a fine that does not exceed \$500 does not require a culpable mental state, and a culpable mental state is hereby not required to prove any such offense. Unless otherwise specifically stated in this chapter, any violation of this chapter that is punishable by a fine that exceeds \$500 shall require a culpable mental state as specified by § 6.02(c) of the Texas Penal Code. Each day that a violation is permitted to exist shall constitute a separate offense.

If any person is found guilty of having violated any provision of this chapter, any permit held by such person may be revoked as provided in this chapter.

Sec. 14-4. - Responsibility for enforcement; police powers.

The local rabies control authority, local health authority, the Animal Care Officers and other authorized employees of the health district shall have all of the powers and authority of peace officers to the extent only, and no further, of enforcing state statutes and regulations, this chapter of the city ordinance and other city ordinances relating to animals, fowl, livestock and wildlife. No person shall interfere in any manner or give false information to the above-stated employees in the performance of their duties.

(Code 2001, § 14-2; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-5 – Interference with duties.

- (a) A person commits an offense if he prevents, interferes with, obstructs, or gives false information to the above-stated individuals in the performance of their duties.
- (b) A person commits an offense if he fails to comply with any lawful order of the above-stated individuals during the enforcement of this chapter of federal and state 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 this chapter, federal, or state law that he knows to be false.
- (e) A person commits an offense if he physically constrains the movement of any above-stated person or their equipment or vehicle by placing any part of the person or person's property in the way of the above-stated person's progress in the performance of their duties.
- (f) A person commits an offense if he releases or causes an animal to be released after an Animal Care Officer has impounded the animal.

Sec. 14-6. - Entry of private premises.

- (a) If persons keeping animals, fowl, livestock or wildlife within the city, after request of the health district or an ACO, refuse to permit access to the areas or places where such animals, fowl, livestock or wildlife are kept, the ACO shall seek the necessary court authorization to enter the premises.
- (b) If the ACO has reasonable suspicion to believe that the life of the animal may be in imminent danger, the ACO may enter the curtilage of the premises to correct the threat to the animal's life so long as damage to property can be avoided.
- (c) An ACO who has probable cause to believe an animal is in immediate danger may remove the animal from the situation by the quickest and most reasonable means available. (d) For purposes of discharging the duties imposed by the provisions of this chapter or other applicable laws, an Animal

Care OfficerACO who has probable cause to believe an animal is in immediate danger may enter upon private property to the full extent permitted by law.

(Code 2001, § 14-3; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-7. - Additional enforcement methods.

If any person is found guilty of cruelty to any animal, wildlife, fowl, or livestock under municipal, state or federal law, his permit to own, keep, harbor, or have custody of such animal, fowl, wildlife, or livestock shall be deemed automatically revoked, and no new permit or license may be issued.

(Code 2001, § 14-4; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-8. - Keeping venomous reptiles.

It shall be unlawful for any person to breed, raise, keep, or have in his possession any venomous reptile within the corporate city limits, except a venomous reptile kept by a permitted educational or scientific institution. These institutions will be subject to initial approval and periodic inspections by the director of health or his or her designee.

(Code 2001, § 14-5; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-9. - Disposal of deceased animals and livestock.

- (a) Deceased livestock shall be lawfully disposed of within 24 hours of discovery by or notification of the responsible party. All costs associated with disposal shall be borne by the responsible party. The responsible party will be determined by the death director or his or her designee.
- (b) A reasonable disposal fee will be charged for the requested collection and disposal of each small deceased animal, including dogs and cats. This fee shall be paid to the ASC.

(Code 2001, § 14-6; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-10 Owner surrendered animals

- (a) Individual must show proof of ownership
- (b) Any owner wishing to relinquish an unwanted animal to an ACO or other authorized employee of the ASC must schedule an appointment for an intake interview prior to bringing the animal to the shelter.
- (c) Any owner wishing to relinquish an unwanted animal to an Animal Care OfficerACO or other employee of the ASC will be charged a fee.

Sec. 14-11. - Noise.

No person shall harbor any noisy animal, fowl, livestock, or wildlife of any kind that makes an unreasonable disturbance to the peace of the occupants of an adjacent premises or the vicinity thereof, including the making of unusual noises by howling, barking, or bawling.

(Code 2001, § 14-7; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-12. - Removal of waste.

The owner, caretaker, harborer, or possessor of every animal shall be responsible and required to immediately and properly dispose of excreta deposited by the animal on public walks, recreation areas, public, or private property.

- (a) It shall be the responsibility of the owner or their appropriate representative of any multi-family living complex to enforce or remove waste deposited by any animal being housed/harbored on such property.
- (b) An owner commits an offense if they:
  - (1) Knowingly allow the animal to enter or be present on private property or on property located in a public place and fails to have in their possession materials or implements that, either alone or in combination with each other, can be used to immediately and in a sanitary and lawful manner both remove and dispose of any excreta the animal may deposit on the property.
  - (2) Do not dispose of any excreta deposited on any property owned or possessed by that person, caretaker, or possessor of any animal at a frequency of at least weekly or more often as needed to prevent a public health nuisance.

(Code 2001, § 14-8; Ord. No. 21-2009, § 1, 3-3-2009)

#### Sec. 14-13. - Shooting or catching wild birds.

- (a) It shall be unlawful for any person to shoot,, attempt to shoot,,kill with an air rifle, bow and arrow, slingshot, firearm, or other means any wild bird within the city limits.,
- (b) It shall be unlawful for any person to or catch or attempt to or catch, by any means whatsoever, any wild bird within the city unless such catching is first approved by the health director.

(Code 2001, § 14-9; Ord. No. 21-2009, § 1, 3-3-2009)

#### Sec. 14-14 - Animal adoption policies.

- (a) An individual seeking to adopt an animal through the city's ASC must comply with the following requirements:
  - (1) Applicants may not have a history of complaints of cruelty or neglect or have reclaimed their current animals, if any, from ASC more than once in the previous 12-month period.
  - (2) All animals in the home must be spayed/neutered, microchipped, and current on vaccinations and city licenses prior to the applicant being approved for adoption.
  - (3) Once an applicant has been approved by the ASC to adopt an animal, the applicant must make and pre-pay for an appointment with the veterinarian of their choice to have the animal spayed/neutered. Proof of the paid appointment must be submitted to the ASC prior to the adoption of the animal.
- (b) Once all of the requirements for adoption have been met, ASC staff will deliver the adopted animal to the chosen veterinary clinic the morning of the spay/neuter appointment. ASC staff will microchip the animal prior to the animal leaving the building and enter that information into the electronic records system. While the animal is at the veterinary clinic being spayed/neutered, the animal will receive a rabies vaccination administered by the veterinarian and paid for by the approved applicant. The applicant may pick up the animal from the veterinary clinic after the animal has been spayed or neutered, and all additional actions have been undertaken by ASC and the designated veterinarian.

- (1) Proof of spay/neuter must be provided to the ASC no later than ten (10) days from the date of the animal being spayed/neutered.
  - (2) Proof of rabies vaccination and city license must be returned to the ASC no later than ten (10) days after the animal has been adopted.
  - (3) If the animal is deemed too young to be spayed/neutered, the adopter shall schedule and prepay for a spay/neuter appointment at the veterinarian of their choice and bring in proof of the appointment and paid services to the ASC prior to the animal leaving the shelter. It shall be unlawful for a person who has adopted an animal from the city to fail to provide proof of spay/neuter to the ASC within ninety (90) days after adoption.
  - (4) If the animal is under four months of age at the time of adoption, the puppy or kitten must receive a rabies vaccination at approximately four months of age. ASC staff will approximate age and timeline for rabies vaccine to be given. The adopter shall return the proof of vaccination to ASC no later than ten days from the date that the animal receives the vaccination. It shall be unlawful for a person who has adopted an animal from the city to fail to provide proof of rabies vaccination to ASC within ninety (90) days after adoption.
  - (5) If a licensed veterinarian determines spay/neuter and/or vaccination would be detrimental to the health of the adopted animal, documentation from the licensed veterinarian must be submitted, and requirements will be waived.
  - (6) If an animal is determined by a veterinarian to have a short-term medical issue detrimental to the health of the animal and requires a delay in spay/neuter the adoption supervisor or their designee shall communicate with potential adopter an agreement for care to include a treatment plan from a veterinarian.
  - (7) If the adopter chooses to utilize a veterinarian located outside the City limits but within 30 miles of the ASC they will be assessed an additional fee to cover the cost of delivery of the animal to the veterinarian.
- (c) The Director of Health has the authority to waive or reduce adoption fees for special events or promotions.
- (d) *Pets and Vets Program.* Adoption fees for any animal available at the City of Wichita Falls Animal Services Center will be waived for any U.S. Veteran who meets the following requirements:
- (1) Veterans shall meet all other requirements for adoption, including the spay/neuter surgery at the veterinarian of their choice, and
  - (2) Veterans shall present one of the following documents that pertain to their military service:
    - i. Veteran Identification Card;
    - ii. State Issued License with a Veteran Designation;
    - iii. Form DD214 Military Discharge Certificate;
    - iv. Honorable Discharge Certificate;
    - v. Letter from the U.S. Military Center; or
    - vi. Letter from the Department of Veterans Affairs Services and Benefits Program.
- (3) If at any time, an adopter is unable to keep their animal, they can return the animal to the ASC without penalty. If they chose to rehome the animal on their own, they must provide the ASC the new owner's information within 14 days of the transfer of ownership and update the microchip and license information.

(Ord. No. 10-2014, § 1, 3-18-2014; Ord. No. 23-2016, § 1, 6-19-2016)

Sec. 14-15. - Barn Cat Adoption Program.

An individual seeking to adopt barn cats through the city's Animal Services Barn Cat Adoption Program must comply with the following requirements in addition to the requirements of section 14-12:

- (a) Barn cats must be adopted in pairs.
- (b) Applicants must agree to provide a safe, permanent outdoor home with one or more areas of weatherproof shelter, daily food, and water, and provide for any ongoing veterinary costs associated with ownership prior to being permitted to adopt any barn cat.
- (c) Applicants must provide an escape-proof room or enclosure for each cat for a minimum of a two-week period after adoption to allow the barn cat to acclimate to its new location. This enclosure can be a tack room, garage, coop, or XXL dog crate. Applicants must relocate each barn cat to the enclosure immediately following pick up of the animal from the veterinarian in accordance with the requirements of section 14-12 and keep the animal in the enclosure for the designated period.

(Ord. No. 10-2014, § 1, 3-18-2014)

#### Sec. 14-16 Animal ownership

No person shall own, keep, maintain, or harbor five or more dogs and/or cats in aggregate per property address, including any dwelling that is an extension of the address, without a special permit as set forth in article III.

#### Sec. 14-17. – Responsible pet owner, the purpose of the program.

- (a) The responsible pet owner program for pet owners established in this article is designed to reduce the incidence of repeat offenders and educate participants about the responsibilities entailed in owning a pet in an urban environment. The program stresses the "good neighbor" concept of responsible pet ownership and gives participants information on the role of the Animal Care Officer/Animal Care Officer/ACO in the community.
- (b) Program established; availability to pet owners.
  - (1) Established. The responsible pet owner program shall be established by the Health District and the ASC.
  - (2) Availability. The responsible pet owner program shall be made available to all pet owners residing within the territorial limits of the City of Wichita Falls, and shall be offered at the discretion of the ASC based on availability.
- (c) Eligibility.
  - (1) Any citizen residing within the city limits of Wichita Falls is eligible to participate in the program based on space availability.
  - (2) Offenders may be mandated to participate in the responsible pet owner program at the discretion of the ASC director or designee.
- (d) Fees and penalties.
  - (1) Failure of an offender to complete the responsible pet program within 30 days will result in additional citations.

#### Sec 14-18 Duty to locate owners of loose dogs or cats

A person commits an offense if he takes possession of an at large dog or cat within the city and knowingly fails to make, within 72 hours after taking possession, a reasonable effort to locate the owner by:

- (1) Calling the telephone number listed on the animal's tags.

- (2) Taking the animal to ASC, a licensed veterinarian or other animal agency with a microchip scanner to be scanned for a microchip, checked for a tattoo or other identification screening and attempting to contact the owner if identified through the screening.
- (3) Making a found report to ASC including contact information, description of the animal, and location of where the animal was found.

Secs. 14-19—14-40. - Reserved.

## ARTICLE II. - DOG AND CAT VACCINATION AND LICENSING<sup>2</sup>

Footnotes:

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**State Law reference** — Registration of dogs and cats, Texas Health and Safety Code §826.031 et seq.; rabies control, Texas Health and Safety Code §826.001 et seq.

### DIVISION 1. - GENERALLY

Sec. 14-41. - Vaccination required.

- (a) No person shall own, possess, or harbor any dog or cat 16 weeks of age or older unless it has been vaccinated against rabies in accordance with this section and state law.
- (b) Rabies vaccination shall be repeated in accordance with state laws and regulations.
- (c) The owner of any unvaccinated dog, cat, or ferret reclaimed from the ASC must purchase a rabies voucher from the animal ASC before leaving the center. The owner will be required to have the animal vaccinated within ten (10) days, and proof of vaccination should be immediately returned to the ASC. Failure to vaccinate the animal or provide a valid rabies vaccination certificate is a violation of the local ordinance and State law and will result in a citation.
- (d) Pet owners are required to provide proof of an animal's current rabies vaccination when requested by an Animal Care Officer. Proof shall be shown by providing a valid copy of the animal's rabies certificate provided by a licensed veterinarian. A rabies tag is not valid proof of rabies vaccination.

(Code 2001, § 14-36; Ord. No. 21-2009, § 1, 3-3-2009)

**State Law reference**— Vaccination required Texas Health and Safety Code § 826.021, 826.022.

Secs. 14-42—14-70. - Reserved.

### DIVISION 2. - DOG OR CAT LICENSE

Footnotes:

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**State Law reference**— Registration of dogs and cats, Texas Health and Safety Code § 826.031 et seq.

Sec. 14-71. - License required.

No person shall own, possess, or harbor a dog or cat 16 weeks of age or over without obtaining a license for each animal.

(Code 2001, §14-66; Ord. No. 21-2009, §1, 3-3-2009)

Sec. 14-72. - License defenses.

It is a defense to prosecution under section 14-71 that:

- (a) The owner of the dog or cat resides outside the city limits of Wichita Falls;
- (b) The dog or cat has been inside the territorial limits of the city for 30 days or less;
- (c) The cat is a member cat of a permitted feral cat colony or a permitted non colony member.
- (d) The dog or cat is a fostered animal.
- (e) The dog is trained and actively used to assist the physically disabled;
- (f) The dog is a governmental agency police/fire dog; or
- (g) (Code 2001, § 14-67; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 19-2010, 4-6-2010)

Sec. 14-73. - Certificate of rabies vaccination required for license.

A valid certificate of rabies vaccination and license fee must be presented to obtain a license for a dog or cat.

(Code 2001, § 14-68; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-74. - Right to inspect.

Animal Services Staff, upon presentation of proper credentials, may inspect the dog or cat and the premises of the dog or cat to ensure compliance with this chapter as a condition for issuing and maintaining a dog or cat license.

(Code 2001, § 14-69; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-75. - Certificate tag and fee for the license.

- (a) The fee for the license shall be set by the health district and approved by the city council, and the fee schedule will be posted in the ASC. Animal license tags are not transferable from one animal to another. It shall be unlawful to alter a tag or to issue one without current rabies vaccination. If a tag is lost, a duplicate tag may be issued by the health district, and a replacement fee charged. The animal license shall run concurrently with the rabies vaccination.
- (b) The health district will monetarily compensate authorized veterinary clinics that participate in selling animal licenses. Each authorized veterinary clinic shall submit the rabies certificate and tag number monthly to the ASC. The ASC will invoice the veterinarian clinics monthly for each certificate sold minus the set aside amount for selling the license.

(Code 2001, § 14-70; Ord. No. 21-2009, §1, 3-3-2009)

Sec. 14-76. - Denial of license.

- (a) No dog or cat license shall be issued if the applicant falsifies information or fails to comply with any section of this chapter.
- (b) No dog or cat license shall be issued if the applicant has been convicted of inhumane or cruel treatment to animals or has three or more convictions for violating any section of this chapter.

(Code 2001, § 14-71; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-77. - Issuance of license.

Upon approval of the application for a dog or cat license, a certificate and license tag will be issued. The tag shall be of durable material, designed to be easily fastened or riveted to the animal's collar or harness, and shall bear a number corresponding to the number on the certificate, showing the month and year of expiration. The ASC shall maintain a record of identifying tag numbers.

(Code 2001, § 14-72; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-78. - Wearing of tag.

Failure of a dog or cat to wear the license tag at all times shall be prima facie evidence that no animal license has been issued and constitutes a violation of this section by the dog's owner, possessor, or harbinger and subjects the dog to impoundment by ASC.

(Code 2001, § 14-73; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-79 - Wearing of a Collar or Harness

- (a) It shall be unlawful for any dog owner to fail to provide the dog with a strong and serviceable collar or harness to which a city license and rabies tag described under this section are securely attached. The collar or harness with the city license must be worn at all times, except during the time the dog is:
- (1) Performing at shows, obedience trials, tracking tests, field trials, schools, or other events sanctioned and supervised by a recognized organization; or
  - (2) Is engaged in hunting or some other activity in which a collar might endanger the safety of the dog.
- (b) It shall be unlawful for any cat owner to fail to provide the cat with a collar or harness to which a current city license and rabies tag described under this section are securely attached. The collar provided for a cat may be a breakaway collar to prevent the strangulation of the animal. The collar with the city license must be worn at all times. It is a defense to prosecution that a cat is permitted as a member of a feral cat colony, a feral non member cat or a designated barn cat.

Sec. 14-80. - Suspension or revocation of license.

- (a) If the person holding the dog or cat license refuses or fails to comply with this chapter or any law governing the protection of animals, official notice shall be given of the intention to suspend the license. The license shall be revoked if evidence shows the person is not in compliance within seven days after official notice is given.
- (b) A dog or cat license is automatically revoked upon receipt of official notice for any one or more of the following reasons:
- (1) Impoundment by the city two or more times during a 12-month period.
  - (2) Two or more convictions of a person for violating any section of this chapter.
  - (3) Any combination of impoundments and convictions totaling two incidents.
- (c) Notice as required in this section is properly served when it is delivered to the owner, caregiver, harbinger, or possessor of the animal; or when it is sent by registered or certified mail, return receipt requested, to the last known address of the owner, caregiver, harbinger, or possessor of the animal. A copy of the notice shall be filed in the records of the regulatory authority.

(Code 2001, § 14-74; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-81. – Removal of unlicensed animal.

If a dog or cat is unlicensed due to non-issuance or revocation of the license after official notice, the owner/harbinger must either immediately rehome the animal or transfer possession of the animal to ASC, or it will be seized by and become the property of the ASC.

(Code 2001, § 14-75; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-82. - Reapplication.

Persons with a denied or revoked dog or cat license shall wait at least 60 days before making reapplication. The application will not be accepted unless the health director or his or her designee is satisfied that there will be compliance with this chapter. The fee for reapplication shall be set by the health district and approved by the city council. The fee schedule will be posted at the ASC.

(Code 2001, § 14-76; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-84—14-105. - Reserved.

ARTICLE III. - PERMITS

DIVISION 1. - GENERALLY

Sec. 14-106. - Enforcement.

This article shall be enforced by the Animal Services Division of the Wichita Falls – Wichita County Public Health District. All permitted/registered parties are subject to annual inspections of animals, facilities, or dwellings. Additional inspections may occur more frequently based on concerns or complaints received by an ACO or other authorized employee of the health district.

(Code 2001, § 14-106; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-107. - Permit Exemptions.

- (a) *Veterinary clinics, veterinary hospitals, and animal clinics.* Veterinary clinics, veterinary hospitals, animal clinics, and related practices of veterinary medicine shall be exempt from this article.
- (b) *Certain other facilities.* Stock shows; sanctioned animal shows; slaughterhouses; rodeo arenas; governmental agencies including public schools, laboratories, animal reclaim centers, and research facilities approved by the ASC may be exempt from this article.

(Code 2001, § 14-107; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-108. - Keeping of permitted animals.

An owner, harbinger, or caretaker of an animal is required to provide any animal in their care with humane care and treatment as follows:

- (a) Access to an adequate supply of fresh air.
- (b) Access to species-specific food.
- (c) Physical activity.
- (d) Access to shelter and shade as defined by this chapter.

- (e) Access to veterinary care as needed to prevent suffering.
- (f) Access to grooming.

Sec. 14-109 Sanitation, odor, and vector control.

Every owner, possessor, or harbinger of animals, fowl, and livestock, shall comply with the following regulations and sanitation requirements:

- (a) *Animal waste.* Approved procedures for disposing of animal waste shall be provided. Animal excreta should be disposed of at least weekly or more often as needed to prevent a public health nuisance.
- (b) *Odor and vector control required.* All persons keeping animals within the city limits shall keep all premises, pens, or enclosures in such a manner as not to give off offensive odors or as to breed or attract flies and other insects. All persons shall use some form of chemical control at reasonable intervals to keep such premises free from flies, mosquitoes, ticks, fleas, and other vectors.

Sec 14-110. - Cage sizes.

Every owner of an animal shall confine the animal in an enclosure sufficient to prevent it from running at large. Such enclosure shall be of sufficient size to maintain the animal comfortably and in good health. The animal must be able to stand, turn around, sit, and lie down in a natural position.

Sec. 14-111. - Inspection prerequisite to issuance of permit.

- (a) An ACO shall be required to inspect the premises prior to issuing a permit required by this article. ASC has the right to inspect the premises, including animals, livestock, and fowl at any time during normal business hours. Inspection shall occur annually or more often based on any complaint or concern received by the health director or his/her designee.
- (b) All dogs, cats, and ferrets owned by the permit holder or residing at the permitted property must be microchipped, have a current city license, and a current rabies vaccination certificate.
- (c) If the person requesting a permit is not the owner of the property, written and notarized permission must be obtained from the property owner, and a copy provided to ASC with the initial application and annually thereafter with renewal.

(Code 2001, § 14-111; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-112. – Issuance, term, and application for renewal of permits.

- (a) A permit required by this article shall be issued after approval of the application, inspection of premises, and receipt of the fee. The permit shall be displayed in a prominent place on the premises. The permit shall remain in effect for one calendar year from the date of issuance unless suspended or revoked.
- (b) Application for renewal of a permit and payment of the fee may be made one month prior to expiration, but the effective date of the permit shall coincide with the expiring permit date, and the fee will be for a full year from that date.
- (c) Any reapplication fee that is not submitted by the due date will be subject to a late fee, and citations may be issued for operating without a permit.

(Code 2001, § 14-112; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-113. - Reclassification and fee adjustment of permits.

Any person who has a change of category under which a permit was issued pursuant to this article shall be subject to reclassification, and appropriate adjustment of the permit fee will be made.

(Code 2001, § 14-113; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-114. - Denial of permit.

- (a) No permit required by this article shall be issued if the applicant has:
  - (1) Withheld or falsified information on the application.
  - (2) Failed to comply with any section of this article.
- (b) No permit required by this article shall be issued if the applicant has been:
  - (1) Convicted two or more times for violating any section or combination of sections of this chapter.
  - (2) Been convicted of inhumane or cruel treatment to animals.

(Code 2001, § 14-114; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-115. - Reapplication period upon denial of the permit.

If a permit required by this article is denied, reapplication cannot be made for at least 60 days. Each reapplication shall be accompanied by a fee in addition to the permit fee. The reapplication fee is nonrefundable.

(Code 2001, § 14-115; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-116. - Suspension of the permit.

- (a) The health district may, upon official notice, suspend a permit issued pursuant to this article for the following reasons:
  - (1) Animals are being deprived of necessary food, water, care, or shelter, as outlined in this chapter.
  - (2) Animals are cruelly confined or treated inhumanely.
  - (3) Unsanitary conditions exist that create a medium for the transmission of disease to animals or humans.
  - (4) Noncompliance with any section of this chapter.
- (b) The health director or his or her designee has the right to take photographs and gather evidence on the premises to document any of the reasons for suspension.
- (c) No animal covered by the suspended permit shall be accepted or placed on the property after suspension of the permit.

(Code 2001, § 14-116; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-117. - Lifting of suspension and reinstatement of permit.

If all violations and unsatisfactory conditions have been corrected within ten (10) days, the health district may reinstate a suspended permit issued pursuant to this article after reinspection. A reinspection shall be made as soon as practical but not more than five (5) working days after receiving a written request for such inspection by the person to whom the permit was issued.

(Code 2001, § 14-117; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-118. - Revocation of permit.

If no written request for reinspection has been received after ten (10) days from suspension of a permit issued pursuant to this article, or if satisfactory corrections have not been made, the health district shall give official notice that the permit shall be revoked after the expiration of five calendar days. The city is not liable to refund any part of the permit fee. No animal covered by the permit shall be on the property during the time of suspension/revocation.

(Code 2001, § 14-118; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-119. - Reinstatement of the permit after revocation.

- (a) No person who has had a permit pursuant to this article revoked may apply for a new permit for a period of one calendar year from the date of revocation. No permit shall be issued if the person has been convicted of abuse to animals.
- (b) If less than one year after revocation, another owner applies for a permit at the same location where a permit was revoked, the person whose name appears on the revoked permit may in no way be associated with the new operation, including any financial interest, or the permit will be revoked and legal action may be taken against both parties.
- (c) If a permit is issued, the applying individual will be placed on a compliance plan with an increased inspection schedule. A fee will be charged for each inspection.

(Code 2001, § 14-119; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-120- Right to hearing

A person who has had a permit denied, suspended, or revoked shall be entitled to appeal the decision as set forth in Article VIII of this chapter.

Sec. 14-121 Seizure Warrant

Failure to comply with any of these regulations or failure to obtain a permit may result in a seizure warrant being obtained and all animals being removed from the property.

Secs. 14-122—14-149. - Reserved.

DIVISION 2. - COMMERCIAL ANIMAL ESTABLISHMENTS

Subdivision I. - In General

Sec. 14-150. - Permit required.

- (a) No person shall operate a commercial animal establishment without first obtaining the necessary permit in compliance with this article.

- (b) Commercial animal establishments seeking a permit and commercial permit holders are required to meet all applicable general permit requirements as set out in this chapter, as well as any additional requirements for their specific permit.
- (c) The annual fee for these permits shall be set by the health district and approved by the city council. The fee schedule will be posted at ASC.

(Code 2001, § 14-146; Ord. No. 21-2009, § 1, 3-3-2009)

(Code 2001, § 14-147; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 11-2014, § 2, 4-1-2014)

#### Sec. 14-151. - Separate enterprises.

Each commercial animal establishment, even though owned by the same person or group, is considered a separate enterprise, and each must possess a permit. If the establishment moves to another location or if there is a change of ownership, another application and fee for the permit are required.

(Code 2001, § 14-148; Ord. No. 21-2009, § 1, 3-3-2009)

(Code 2001, § 14-149; Ord. No. 21-2009, § 1, 3-3-2009)

#### Sec. 14-152. -Fowl, rabbits, guinea pigs, or ferrets for commercial purposes.

- (a) Where such fowl or animals are kept for sale or for any purpose other than domestic use or home consumption, the owner, possessor, or harbinger of any domestic fowl, rabbits, guinea pigs, or ferrets shall meet the following requirements:
  - (1) Animals must be kept in batteries or coops arranged inside of buildings. Animals or fowl may not roam in open pens on the ground.
  - (2) Sanitary conditions in the housing area must be maintained by removing all droppings from such buildings, batteries, or coops at least once daily.
  - (3) Buildings, batteries, or coops must be disinfected and deodorized at least once each day.
- (b) Any such building must be at least 50 feet from any residence other than the harborers.

(Code 2001, § 14-419; Ord. No. 21-2009, § 1, 3-3-2009)

#### Sec. 14-153 Grooming Business Permit

A grooming business permit shall be required for every person operating a business, including a mobile business that provides grooming.

- (a) Standard of care
  - (1) No animal shall be left unattended, whether restrained or unrestrained, while on a grooming table, in a bathing area, or in the drying area.
  - (2) No animal shall be groomed without a valid rabies vaccination certificate.
  - (3) Animals shall be cared for and maintained to the minimum standards of Sec. 14-108

- (4) There must be a process in place to sanitize and disinfect all equipment and cages. A copy of this process must be made available to the ACO at the time of permit inspection and anytime thereafter.
- (b) Record keeping
  - (1) Each grooming business, including mobile businesses, shall keep and maintain records regarding the animals cared for and the owner thereof. Such records shall include name, contact number, and address of the owner, as well as rabies vaccination certificate, services provided, and the date such services were provided.
  - (2) Records for each animal shall be maintained for a minimum period of one year from the date of service.
  - (3) Records shall be made available to persons authorized by law to enforce the provisions of this article.ACO

(Code 2001, § 14-150; Ord. No. 21-2009, § 1, 3-3-2009)

#### Sec. 14-154. – Kennel permit

A kennel permit shall be required for a commercial operation wherein one or more dogs and/or one or more cats, 16 weeks of age or older, are kept or maintained for profit including animal daycare facilities. Permit holders must meet the following requirements:

- (a) A person permitted as a kennel operator may not accept any animal for boarding without first confirming that the animal has a current rabies vaccination.
- (b) If the owner of the kenneled animal resides within the city limits of Wichita Falls, they must be microchipped and have a valid city license.
- (c) Facilities/premises shall be of sufficient size with an adequate number of enclosures to accommodate the number of animals being harbored. Each enclosure shall be adequate type and size as defined in sec 14-110.
- (d) Food and water must be provided to each animal sufficient to maintain each in good health and free of malnutrition and/or dehydration.
- (e) The premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects, and flies that could be harmful to the animal's health and/or to the health of the public.
- (f) The premises shall be adequate to keep the animals from running at large and disturbing adjoining, adjacent, or neighboring premises.
- (g) The animals and the facility must be kept free of any odor that is offensive to a person of ordinary sensibilities.
- (h) The animals must be maintained in a manner that does not pose a danger to the health of any animal or their caregiver.
- (i) The animals must not cause noise that is offensive or disturbing to a person of ordinary sensibilities on adjoining, adjacent, or neighboring premises.
- (j) The premises must comply with all zoning, code, and health regulations.
- (k) No person shall keep, possess, or maintain within the city limits a kennel within 300 feet of any residence or habitation for human beings, other than the residence of the keeper, possessor, or owner of such kennel.
- (l) A kennel in existence and in operation on June 8, 1985, shall be allowed to remain in existence within 300 feet of any residence only so long as the place of business is continuously in operation from that date, whether or not under the same permit.

(Code 2001, § 14-176; Ord. No. 21-2009, § 1, 3-3-2009) (Code 2001, § 14-178; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-155. - Performing animals, petting zoos, circuses.

A permit shall be required for any establishment wishing to have any spectacle, display, act, or event in which animals, fowl, livestock, or wildlife perform and/or interact with people who are allowed to pet and feed the animals.

- (a) The owner of such commercial business shall meet the following requirements:
- (1) Petting zoos and performing animal establishments must call and schedule a permit inspection to be held within normal operating hours of ASC. These permits will be valid for one year.
  - (2) Circuses must call ASC no later than 10 days prior to the event and schedule a permit inspection to be held within normal operating hours of ASC. The permit will only be valid for the current show dates scheduled.
  - (3) Must provide to ASC a copy of a Certificate of Health for each qualifying animal from a licensed veterinarian. The certificate must be dated within 30 days for all animals requiring a certificate.
  - (4) Must provide to ASC a copy of an official report of a negative Equine Infectious Anemia test (EIA or Coggins test) dated within the past 12 months for any equine present.
  - (5) Must provide to ASC a copy of current rabies vaccination certificate for every animal mandated by the state to be vaccinated against rabies.
  - (6) Must provide a copy of any required state or federal permits needed for any animal on site.
  - (7) Failure to provide all required documentation will result in permit not being issued.
  - (8) No performing animal exhibition or circus shall be permitted in which performing animals are induced or encouraged to perform for entertainment through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause or is likely to cause stress, physical injury, or suffering to the performing animal.
  - (9) All equipment used on a performing animal shall fit properly and shall be in good working condition.
- (b) Additional requirements for petting zoos, performing animals, and animal rides
- (1) Must have sanitization stations at both the entrance and exits.
  - (2) Must provide adequate shade for all animals
  - (3) All animals must have fresh water available at all times.
  - (4) Animals may not be overworked and shall have a designated shaded area to rest.

(Code 2001, § 14-387; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-156. - Pet store permit.

**Any person, partnership, company, or corporation, whether operated separately or in connection with another business enterprise, that buys or sells any species of animal is required to have a pet store permit.**

- (a) **Dogs or cats offered for sale or adoption** must be from an approved rescue or shelter and accompanied by a current rabies vaccination certificate. A pet store shall not be in possession of a dog or cat that is less than eight weeks old.
- (b) A pet store shall not sell or offer for sale any animal that is un-weaned.

- (c) A pet store shall not sell or offer for sale any animal that is younger than the minimum age listed below:
  - (1) 8 weeks for dogs and cats, or
  - (2) 10 weeks for rabbits, or
  - (3) 4 weeks for guinea pigs and hamsters, or
  - (4) 3 weeks for mice.
- (d) Animals shall be cared for and maintained to the minimum standards of sec. 14-452.
- (e) Must comply with all zoning, code compliance, and health regulations.
- (f) The following are requirements for pet stores in shopping centers or malls:
  - (1) The pet store shall be in an enclosed area separated by walls from adjoining stores.
  - (2) The pet store cannot be located closer than 50 feet to any eating or drinking establishment.
  - (3) Air conditioner ducts removing air from the pet store must be directed outward and not directly into another shop or the shopping center or mall.
  - (4) Any animal sold in the pet store must be carried from the mall in a box, crate, or appropriate container.

(Code 2001, § 14-150; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-157. - Private animal shelter permit.

- (a) The facility/premises must be an adequate size for the number and type of animals to be kept.
- (b) The facilities/premises shall be of sufficient size as to allow animals to move about freely. This shall apply to each animal kept.
- (c) Cage size shall be in proportion to the size of the individual animal's height and weight.
- (d) Shelters must check for ID, including microchips, tattoos, etc., at the time of intake and at points throughout the stay including before adoption, transfer to another facility, and euthanasia.
- (e) Shelters shall serve notice to identified owners of stray animals.
- (f) Shelters shall provide public notice, appropriate to the community, of stray animals entering the shelter.
- (g) Shelters shall be accessible to the public during business hours for the reclamation process.
- (h) Records and data concerning key processes, information, and outcomes must be maintained by all shelters and made available to the public upon request.
- (i) Adequate food and water must be provided so that all animals kept shall be maintained in good health and free of malnutrition and/or dehydration.
- (j) The shelter premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects, and flies that could be harmful to the animal's health and/or to the health of the public.
- (k) The shelter premises shall be adequate to keep the animals from running at large and disturbing adjoining, adjacent, or neighboring premises.
- (l) The animals and the facility must be kept free of odor that is offensive to a person of ordinary sensibilities.
- (m) The animals must be maintained in a manner that does not pose a danger to the health of any animal or their caregiver.
- (n) All animals should either be spayed/neutered prior to adoption, or the shelter shall have a lawful process in place to ensure the spay/neuter occurs when the animal is of an appropriate age.
- (o) The animals must not cause noise that is offensive or disturbing to a person of ordinary sensibilities on adjoining, adjacent, or neighboring premises.
- (p) The shelter must comply with all zoning, code, and health regulations.

Sec. 14-158. - Stable/riding school permit.

- (a) Stables/riding schools must meet all requirements of the livestock permit in Sec. 14-198.
- (b) Livestock kept for the purpose of a riding school, or stable will be classified as such.
- (c) Stables/riding schools must maintain and provide records of a negative Equine Infectious Anemia test (EIA or Coggins test) dated within 12 months for each equine on the property.

Secs. 14-161—14-195. - Reserved.

### DIVISION 3. - RESIDENTIAL PERMITS

#### Subdivision 1. In General

Sec.14 - 196 – Permit required.

- (a) No person shall own or harbor any of the following categories of animals that require a permit, without first obtaining the necessary permit in compliance with this article.
- (b) Persons seeking a permit and permit holders are required to meet all applicable general permit requirements as set out in this chapter, as well as any additional requirements for each specific permit.
- (c) The annual fee for these permits shall be set by the health district and approved by the city council. The fee schedule will be posted at the ASC.

Sec. 14-197. - Fowl permit.

- (a) A fowl permit shall be required for any person owning, possessing, or harboring any fowl within the city limits. An annual permit fee shall be set by the health district and approved by the city council. The fee schedule will be posted at the ASC.
- (b) Permit holders:
  - (1) Must ensure a 75-foot setback for any coop, pen, or housing utilized for fowl from any residence excluding the residence of the owner or harbinger of the fowl.
  - (2) Must maintain a minimum of 12 square feet of floor or ground area for each fowl.
  - (3) Must maintain any structure housing fowl by thoroughly cleaning the area at least weekly to ensure there are no noxious and unpleasant odors emitted from the structure.
  - (4) Must ensure any structure used to house fowl is treated with an approved disinfectant at least once every six months to discourage insects, flies, ticks, mites, mosquitoes, and flies.
- (c) No person shall:
  - (1) Keep any fowl within the city who does not possess a valid permit from ASC.
  - (2) Own, possess, or harbor guineas, peafowl, or roosters.
  - (3) Keep any fowl in violation of any other section of this chapter.

(Code 2001, § 14-109; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-198. - Livestock permit.

- (a) A livestock permit shall be required for any person keeping livestock within the city limits as allowed by this chapter. The annual fee for the permit shall be set by the health district and approved by the city council. The fee schedule will be posted at ASC.

- (b) All livestock permits shall be renewed on an annual basis. The annual fee for the permit shall be set by the health district and approved by the city council. The fee schedule will be posted at ASC.
- (c) No person shall keep any livestock within the city who does not possess a valid permit from ASC.
- (d) It shall be unlawful for any person owning or having control over any livestock to keep livestock, regardless of whether livestock is kept for personal use or for commercial purposes unless a livestock permit has been obtained from ASC.
- (e) *Setback required; minimum space required.* No livestock shall be kept or maintained at a distance closer than 200 feet from any residence located on property owned by another person. All such livestock shall be maintained on a properly fenced parcel of land, providing a minimum of 600 square feet of area for each head of livestock. Livestock shall have shelter and shade of reasonable size for the number of livestock to be protected as provided in Sec. 14-452(1)(b).
- (f) *Odor, vector, and pest control required.* Property housing livestock shall be kept free of offensive odor, flies, rodents, and other pests.
- (g) *Manure container required.* Each and every enclosure in or on which any livestock are kept shall have a suitable manure container into which all manure shall be placed at least weekly or more often as necessary. Each container shall be securely screened or otherwise protected from flies, rodents, and other vermin and shall be cleaned out and disinfected at least weekly. Manure from containers shall not be left in open stacks but shall be removed or buried in a manner so as not to create a public health nuisance.
- (h) All bovine shall have some type of identifying marker such as a brand or ear tag to help identify the owner. All identifying markers shall be documented. All other livestock shall provide picture documentation of owned livestock to ASC. Documentation shall be provided with the initial permit application and must be updated each time the permit holder places new livestock on the property.
- (i) It shall be unlawful for any person owning or having control over livestock to allow livestock to be at large on public property, the property of another, or on harborers own property with no physical means of confinement.
- (j) Livestock permits may be denied or revoked for the following reasons:
  - (1) Health or safety violations.
  - (2) Animal cruelty or neglect as defined in Sec. 42.09 Texas Penal Code.
  - (3) More than one citation for livestock-at-large within a permit year.
  - (4) Failure to obtain a livestock permit within ten business days of placing livestock on property within the city limits.
- (k) If a livestock permit is denied or revoked, the applicant or permit holder will have ten (10) calendar days from the date of denial, suspension, or revocation to remove all livestock from the city limits before the livestock is subject to impoundment. Failure to renew the permit in accordance with this ordinance shall presumptively be considered a revocation.

Sec. 14-199 - Nonconforming use.

Any property issued a nonconforming use permit in operation on July 4, 1999, shall be allowed to renew their permit annually only as long as the following conditions are met:

- (a) The nonconforming use is not expanded by increasing the number and/or types of animals.
- (b) The property does not change owners.
- (c) The nonconforming use is continuous and not stopped for a period in excess of six months.
- (d) Existing structures are not extensively modified, changed, or relocated unless there is a need to provide for the health and safety of the animals and/or the public, and remain in sound condition except for routine maintenance and repair.
- (e) Local and state cleanliness and sanitation requirements are perpetually in compliance.

(Code 2001, § 14-110; Ord. No. 21-2009, § 1, 3-3-2009) (Code 2001, § 14-426; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-200. - Pet fancier permit.

- (a) A pet fancier's permit shall be required for any person owning or harboring five or more animals unless the animals are covered by another permit under this chapter.
- (b) All animals must be spayed/neutered, current on rabies vaccination, licensed, and microchipped.
  - (1) An animal may be exempt from spay and neuter requirements if owner can show current proof of registration with a recognized national show group.
- (c) The annual fee for the permit shall be set by the health district and approved by the city council. The fee schedule will be posted at ASC.
- (d) A pet fancier's permit may be denied for the following reasons:
  - (1) If the director or his or her designee makes a determination that the prospective pet fancier does not have adequate property or facilities to ensure the animals do not disturb any neighbors.
  - (2) Sanitation for the number of animals permitted is not appropriately and safely addressed.
  - (3) The owner has received two or more documented violations in the past 12 months.
  - (4) The number of animals allowed will be based on adequate housing space as determined by the size of animals being housed.

(Code 2001, § 14-206; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-201. - Project animal permit.

- (a) School-age children enrolled in a public or private school which offers programs in which class participants are required or allowed to raise project animals, livestock, or fowl for show or profit purposes may apply for a permit to keep certain prohibited animals, livestock, or fowl for the school project, even though the property may not be fully in compliance with the setback requirements of this article. Those students are required to:
  - (1) Apply for an annual project animal permit.
  - (2) Pay the annual permit fee.
  - (3) Show proof of enrollment in one of the listed school programs.
  - (4) Agree to comply with cleanliness and sanitation requirements of this article and the state health and safety code.
  - (5) Obtain the approval, in writing, of all property owners located within 200 feet of the property.
  - (6) Allow inspection of the animal, livestock, or fowl, as well as pens, facilities, and property before issuance of the permit by ASC staff.
- (b) Failure to comply with any of the requirements of this section will result in denial of the necessary permit. Permits are nontransferable and are revoked upon either the student's graduation from high school, dropping the class, or nonattendance by the student.

(Code 2001, § 14-425; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14- 202 - Rabbit permit

- (a) A rabbit permit shall be required for any person owning, possessing, or harboring any rabbit kept outside within the city limits.
- (b) Permit holders:
  - (1) Must ensure a 50-foot setback for any cage or enclosure utilized for housing rabbits from any residence excluding the residence of the owner or harborer of the rabbit.
  - (2) Must maintain cages and enclosures by cleaning weekly to ensure the area is free of waste matter, insects, and odor.
  - (3) Must collect droppings at least weekly as necessary to prevent a public nuisance.
  - (4) Must ensure droppings are stored in an airtight container for disposal at least every 7 days.
  - (5) Must ensure cages are constructed in such a manner as to provide adequate protection from the environment and meet the requirements of sec. 14-452.

(Code 2001, § 14-417; Ord. No. 21-2009, § 1, 3-3-2009)

#### Sec 14-203 – Swine permit.

- (a) *Definition.* For the purposes of this section, the term "potbellied pig" shall mean a Vietnamese potbellied pig, and under no circumstances shall any swine be considered a potbellied pig if its weight exceeds 125 pounds. The owner must provide proof of weight obtained at a licensed veterinary clinic and provide paperwork during any inspection.
- (b) *Restrictions.* It shall be unlawful for any person to keep swine, pigs, potbellied pigs, or hogs in the corporate city limits.
  - (1) *Grandfather clause.* Any person holding a valid swine permit on November 15, 2019, may continue to own/harbor a potbellied pig until the time that animal either dies or ownership is transferred out of the city limits of Wichita Falls. They must continue to meet all the requirements as set out in this chapter.
  - (2) The following conditions must be met for any permit holder having a valid permit as of July 4, 2019:
    - i. It shall be unlawful for any person to keep, harbor, or raise more than two potbellied pigs in any one location within the city limits.
    - ii. All potbellied pigs shall be kept indoors at all times, other than times for evacuation of waste material or during exercise periods. During the time the pig is permitted outdoors, it shall be confined within the property limits of the owner, and the owner shall be physically present outside with the pig.
    - iii. All potbellied pigs shall be spayed or neutered on or before the age of 12 weeks. No adult potbellied pig may be kept within the corporate city limits unless its tusks have been surgically removed and the pig has been spayed or neutered.
    - iv. All potbellied pigs shall receive annual vaccinations for erysipelas. It shall be the responsibility of the owner of the pig or the property owner to provide proof of vaccination at the initial permit inspection and then annually at each permit inspection. The vaccination certificate must be from a licensed veterinarian and include the following information:
      - (a) Name and address of the owner.
      - (b) Description of the pig.
      - (c) Date of vaccination.
      - (d) Weight of the pig.
  - (3) The annual permit fee shall be set by the health district and approved by the city council. The fee schedule will be posted at ASC.

- (4) Landlord permission, as evidenced by a signed and notarized statement of the property owner, must be obtained annually prior to the inspection in order to receive a permit for a potbellied pig.
- (c) Exceptions to this section shall be as follows:
- (1) *Veterinary facilities.* Veterinary hospitals, clinics, and related practices of veterinary medicine shall be exempt from this section.
  - (2) *Other facilities.* Stock shows; livestock auctions; slaughterhouses; public zoos; governmental agencies including public schools, laboratories, certain school project animals, and research facilities approved by the director of health may be exempt from this section.

(Code 2001, § 14-421; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-204—14-217. - Reserved.

#### DIVISION 4. – FERAL CAT MANAGEMENT

Sec. 14-218. - License or feral cat permit required for cats.

No person shall harbor any cat that is not either a licensed cat, is not covered by a feral cat permit or which is not a non-member feral . .

(Code 2001, § 14-207; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-219. - Application for permit to act as a feral cat caregiver.

- (a) Application for a permit to act as a feral cat caregiver must be made to the director or his or her designee.
- (b) Upon a determination by the director or his or her designee that the prospective feral cat caregiver and prospective cat colony location will meet the requirements in this division, the director will issue a permit to create and maintain a cat colony. Permits issued under this section are valid for a period of one year. The feral cat caregiver must either apply for renewal of the permit or disband the colony upon expiration of the permit.
- (c) The director or his or her designee may deny a permit for a cat colony if the director deems that the colony would be detrimental to the prospective member cats or the neighborhood in which the colony is to be located.
- (d) The director is authorized to require an annual permit fee accompany each application for a permit.
- (e) Permits are specific as to the individual permitted as the feral cat caregiver and the location of the colony. Individuals wishing to transfer a cat colony to another caregiver or another location must make an application for a new permit and pay a permit fee.

(Code 2001, § 14-208; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-220. - Required permissions for permitted cat colony.

- (a) No permit shall be issued for a cat colony location until the prospective feral cat caregiver presents to the director written permission for a cat colony signed by every owner, where a shared property line exist for the proposed location of the cat colony. . Such permission once given by an owner with a shared property line is valid for three (3) years or until the property is transferred to another party.

Written permission must be obtained any time permission expires due to length of time or transfer of property.

- (b) In lieu of written permission from the owner of a location, a prospective feral cat caregiver may document an inability to determine or contact the owner of that location. This documentation shall include a copy of the owner's contact information on file with the county appraisal district and a sworn affidavit detailing the manner and frequency of the attempts to locate or contact the owner by the prospective feral cat caregiver. The affidavit shall also swear that the prospective feral cat caregiver has no reason to believe that the owner in question is opposed to the presence of a cat colony at the prospective cat colony location.
- (c) A colony shall not be located on a sidewalk. Feral cat feeding locations may be in an alleyway, but may not be placed in a manner as to obstruct the alleyway. .
- (d) The feral cat caregiver either must be the owner of the cat colony location or have written permission from the owner of the location in order to obtain a permit for the desired location.

(Code 2001, § 14-209; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 26-2009, § 1, 4-21-2009)

#### Sec. 14-221. - Creation of a cat colony.

It shall be the caregiver's responsibility to ensure every member cat will be trapped and inspected by a veterinarian for illness or injury within 120 days of the granting of the cat colony permit. Any adult cat determined to be in good health at the time of this initial trapping will be microchipped, vaccinated, spayed/neutered, and subjected to ear tipping prior to its being returned to the cat colony. Any adult cat determined to be injured or in poor health at the time of this initial trapping will be provided with veterinary care sufficient to return it to good health, and then microchipped, vaccinated, spayed/neutered, and subjected to ear tipping prior to its being returned to the cat colony. In the alternative, any adult cat determined to be injured or in poor health at the time of this initial trapping may be fostered, adopted with the acknowledgement, of any potential foster, of any health condition and be prepared to take responsibility for needed treatment or euthanized.

(Code 2001, § 14-210; Ord. No. 21-2009, § 1, 3-3-2009)

#### Sec. 14-222. - Maintenance of a cat colony.

- (a) Feral cat caregivers are expected to follow the TVARM (trap, vaccinate, alter, return, and manage") form of the feral cat colony management guidelines.
- (b) Member cats are to be provided with adequate food, and water, as defined by sec. 14-452.
- (c) Kittens found to be at the cat colony location will be trapped and removed from the colony by the feral cat caregiver when the kittens are between eight (8) and sixteen (16) weeks of age. Removed kittens are to be either domesticated and fostered in a foster home for adoption into permanent homes or euthanized.
- (d) The feral cat caregiver shall immediately trap and remove from the colony **any** sick or injured member cats found to be at the colony location A sick or injured member cat shall be either provided with veterinary care sufficient to return it to good health prior to its being returned to the registered cat colony, or fostered, adopted, or euthanized.
- (e) **All member cats shall be vaccinated against rabies when trapped.**
- (f) The feral cat caregiver shall keep records for the registered cat colony, including a photograph, documentation of sterilization, and rabies certificate for each member cat. These records will be provided to the director or his/her designee upon request.

(g) Caregiver must use feeding strategies that do not attract wildlife; i.e. designated feeding stations, distributing only the amount of food to be consumed by member cats. All leftovers and trash shall be removed on a daily basis as to not create a nuisance.

(h) Caregiver permit shall be posted in a clear location and visible at all times.

(Code 2001, § 14-211; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-223. - Revocation of a permit to act as a feral cat caregiver to a cat colony.

(a) The director may revoke the permit to act as a feral cat caregiver to a cat colony if there is probable cause to believe that a cat colony does not comply with this division. The director shall send written notice of revocation to the feral cat caregiver. Upon written notice of revocation by the director, a feral cat caregiver shall have seven (7) calendar days from the date of the issuance of the notice to file written appeal under Sec. 14-519 or disband the colony by trapping and relocating, adopting out, or euthanizing the member cats. If a feral cat caregiver fails to disband the colony or file written appeal within seven (7) days under Sec. 14-519, the director or his or her designee may authorize ASC to trap and impound the member cats, and the caregiver may be subject to citation.

(b) Notice as required in this section is properly served when it is delivered by hand to the feral cat caregiver, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the feral cat caregiver. A copy of the notice shall be filed in the records of the director or his/her designee.

Sec 14-223 Feral non colony member cat management

(a) Must be 4 or less cats

(b) Must meet all above requirements with the exception of 14-220 (a) and (b).

(Code 2001, § 14-212; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-224. - Other laws to apply.

Nothing in this division shall be construed as excusing a cat colony location or a feral cat caregiver from all other pertinent laws, including those prohibiting nuisances or disturbances.

(Code 2001, § 14-213; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-225—14-241. - Reserved.

## DIVISION 5. - ANIMAL RESCUE AND REHABILITATION GROUPS

Sec. 14-242. – Rescuegroup registration.

Any individual or organization that operates as a rescue group, rescuer, or rehabilitator in the city must be registered with the ASC.

(a) Groups must meet the following guidelines:

- (1) Sign a written agreement provided by ASC providing the address of their base office.
  - (2) Agree to spay/neuter, microchip, all dogs, cats and ferrets in the rescue program.
  - (3) Have written processes in place to screen and place animals in foster homes. The process shall be available upon request.
  - (4) Provide a list of registered foster homes to ASC, including the name and address of each. The list shall be updated anytime a new foster is added, or a foster is removed from the list.
  - (5) Ensure foster homes adhere to all city ordinances, including numbers of animals, prior to placing them on the approved foster home list.
- (b) No person shall house domestic animals for the purpose of foster care unless that person is registered as a foster with an approved rescue group.

(Code 2001, § 14-215; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-243. - Animal foster home requirements.

- (a) Fostered animals are to be provided with adequate food, water, shelter, and shade as defined by sec. 14-452.
- (b) The foster home must provide an area in which to segregate newly fostered animals until those animals can be socialized with other animals living in the foster home.
- (c) Animal Care Officer **The number of foster animals allowed will be based on adequate housing space as determined by the size of animals being housed. .**
- (d) All cats and kittens over the age of sixteen (16) weeks who are fostered animals must be vaccinated against rabies.
- (e) All dogs and puppies over the age of 16 weeks who are fostered animals must be vaccinated against rabies.
- (f) Foster caregivers shall obtain a city license for any animal remaining in the home for more than 6 months. A fostered animal remaining in the home for more than 12 months will no longer be considered a foster animal; such animals will be considered owned animals and owners will be required to meet all obligations of ownership.
- (g) The foster home shall keep records for each fostered animal, including a rabies certificate and documentation for the length of time the animal has been in the foster home. These records will be provided to the director or his/her designee upon request.
- (h) The foster either shall be the owner of the property where the foster home is located or have notarized written permission of the owner of the property in order to participate as a foster home. Written, notarized permission from a property owner must be provided annually or upon request of the director or his/her designee.

Animal Care Officer Sec.14-243. Foster home complaints

- (a) Foster homes shall consent to inspection of the premises by ASC during regular business hours in response to a complaint.
- (b) The ASC officer who responds to a complaint at a registered foster home will inform the foster home of the nature of the complaint.
- (c) Failure to rectify any violations will result in the suspension of foster home designation until the violations are corrected.

- (d) The rescue group under which the foster home operates will be notified of any complaint and findings. The rescue group will remove the foster home from their approved foster home list if any violations are not remedied to the satisfaction of the director or his/her designee.

(Code 2001, § 14-216; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-244. - Other laws to apply.

Nothing in this division shall be construed as excusing an animal foster home or an animal foster home caregiver from all other pertinent laws, including those prohibiting nuisances or disturbances.

(Code 2001, § 14-219; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-245—14-270. - Reserved.

#### DIVISION 6. - BREEDING, SALE, AND TRANSFER OF DOGS AND CATS

Sec. 14-271. - Litter permit.

- (a) Any person whose female dog or cat of breeding age has a litter must either obtain a litter permit prior to breeding or as soon as the owner becomes aware the animal is pregnant. The owner must show proof of a health certificate by a licensed veterinarian dated within the past 12 months. The issuance of a permit authorizes the whelping of no more than one (1) litter per female dog or cat in any 12-month period. Each permit applicant shall be required to take the Responsible Pet Owner course offered by ASC as part of the permit application process.
- (b) If, after notice, a person fails to obtain a permit, ASC shall be authorized to impound the female dog or cat and the litter in addition to any other available remedies outlined herein.
- (c) The litter permit number shall be prominently displayed in all advertisements, notices, or displays of the litter for offers to give away or sell any members of the litter.
- (d) Instead of applying for a litter permit, an owner may choose to prepay for a spay surgery at the veterinary clinic of their choice. The owner shall present a receipt of payment along with a scheduled appointment to ASC. The litter permit fee will be waived with proof of payment for sterilization and scheduled appointment as it applies in accordance with this section only. The animal shall be spayed within 90 days, and the owner shall bring proof of the animal's sterilization to ASC within 10 days.
- (e) It shall be illegal to sell or give away animals in parking lots, flea markets, temporary events, or in places where the public generally gathers.
- (f) The owner must maintain records of all animals given away or sold, including the name, address, phone number, and date of transfer for all individuals to whom an animal is transferred. Records must be maintained for 1 year from date of transfer.
- (g) A female may have no more than three (3) litters in her lifetime. The female must be spayed within 30 days after weaning her third litter.

(Ord. No. 11-2014, § 1, 4-1-2014)

Sec. 14-272. - Stud permit.

- (a) Any person who owns or harbors a male dog or cat and wishes to breed this animal with any female dog or cat must obtain a stud permit and furnish a copy of the permit to the owner of the female animal prior to breeding. An applicant must show proof of a veterinary health certificate dated within

the past 12 months prior to obtaining a permit. Each permit applicant shall be required to take the Responsible Pet Owner course offered by the ASC as part of the permit application process.

- (b) A person commits an offense if he breeds a male animal without a permit or permits a male animal to be bred with a female animal without receiving a copy of the valid stud permit for the male animal.

(Ord. No. 11-2014, § 1, 4-1-2014)

Sec. 14-273. - Seller's permit.

- (a) Any person who sells or offers for sale one or more puppies or kittens must obtain a seller's permit prior to or within ten (10) business days of the litter's birth. Each seller's permit shall be valid for six (6) months, and the issuance of a permit authorizes the breeding and sale of no more than one (1) litter per female dog or cat in any 12-month period. Each permit applicant shall be required to take the Responsible Pet Owner course offered by ASC as part of the permit application process.
- (b) The seller's permit number shall be prominently displayed in all advertisements, notices, or displays for sale of the puppies or kittens.
- (c) A seller's permit holder shall provide a purchaser a certificate of health from a veterinarian, for a period of not less than two weeks with a recommendation to have the animal examined by a licensed veterinarian.
- (d) The owner must maintain records of all animals given away to include the name, address, phone number, and date of transfer for all individuals to whom an animal is transferred. Records must be maintained for 1 year from date of transfer.
- (e) If, after notice, a person fails to obtain a permit, the department shall be authorized to impound the puppies or kittens in addition to any other available remedies.
- (f) The animal owner may choose to prepay for a spay surgery at the veterinary clinic of their choice. The owner shall present proof of payment and appointment date to ASC. The animal shall be spayed within 90 days, and the owner shall bring proof within 100 days of the animal's sterilization to ASC. Upon proof of sterilization, the seller's permit fee will be waived as it applies in accordance with this section only.
- (g) It shall be illegal to sell or give away animals in parking lots, flea markets, temporary events, or in places where the public generally gathers
- (h) A female may have no more than three (3) litters in her lifetime. The female must be spayed within 30 days of weaning her third litter.

(Ord. No. 11-2014, § 1, 4-1-2014)

Sec. 14-274. - Prohibiting the transfer of unweaned dogs or cats.

- (a) It shall be unlawful for any person to transfer or offer to transfer any puppy or kitten under the age of eight weeks unless the puppy or kitten is transferred to:
  - (1) Animal services;
  - (2) Any tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals; or
  - (3) Any recognized rescue organization that is currently approved by ASC.
- (b) It shall be a defense to prosecution that the puppy or kitten was transferred with its mother.

(Ord. No. 11-2014, § 1, 4-1-2014)

Sec.14-275 - Private animal sales

The following requirements apply to all dogs, cats, and/or ferrets over the age of 6 months offered for sale:

- (a) No owner or person shall advertise, display, transfer ownership, or offer to transfer ownership of any dog, cat, or ferret over the age of 6 months of age that is not sterilized, implanted with a microchip, and currently vaccinated against rabies.
- (b) The sterilization requirement in subsection (a) shall not apply if the owner can provide proof that the animal meets one or more of the following conditions:
  - (1) The animal is registered with a national registry or is a sporting dog, livestock dog, working dog, performance dog, or the owner is a member of a national breed club, local breed or performance club, or sporting or hunting club. The owner must show proof of an annual veterinary health certificate.
  - (2) The animal is a professionally trained police/fire animal.
- (c) The seller must provide proof of sterilization and vaccination to the new owner at time of sale of the animal.
- (d) All dogs, cats, or ferrets must be restrained in a manner to prevent animal bite exposure to humans and/or other animals.
- (e) It shall be illegal to sell or give away animals in parking lots, at temporary events, or in places where the public generally gathers including flea markets.

Secs. 14-276—14-296. - Reserved.

ARTICLE IV. - ANIMAL CONTROL

DIVISION 1. - GENERALLY

Sec. 14-297. - Running at large.

- (a) The running at large of animals, including fowl or livestock, within the city is prohibited. No owner, possessor, or harbinger shall allow the animal, fowl, or livestock to run at large. All animals, including fowl or livestock, must be restrained by some physical means. An animal, fowl, or livestock shall not be considered at large when held and controlled by a person by means of a rope, leash, or chain or as defined under the term "at large" in Sec. 14-1.
- (b) The prohibition against an animal running at large shall not apply to a cat harbored as a member cat of a registered cat colony.
- (c) The prohibition against any animal running at large shall not apply to any cat that is allowed outside the confines of the owner/harbinger's residence so long as the cat:
  - (1) Is wearing a collar,
  - (2) Has a current rabies vaccination certificate,
  - (3) Is spayed/neutered,
  - (4) Has a current city license, and
  - (5) Is microchipped.
- (d) If the cat meets all qualifications in (c) and the cat has been declared a public nuisance, as defined by sec. 14-1, it may be restricted to inside the owner's dwelling by the health director or his/her designee. Failure to follow any of these restrictions constitutes a violation of this section.

(e) Any animal found at large will be required to be spayed/neutered whether impounded by an ACO or returned to the owner. The owner will be required to show proof of spay/neuter to Animal Services at time of reclaim or no later than 1 day of notification that animal was at large. If the animal is not spayed/neutered when found to be at large, the animal will be required to be spayed/neutered in compliance with sec. 14-373.

(1) Sterilization under this section may be waived for first (1) at - large if the owner can show current proof of registration with a recognized national show group.

(Code 2001, § 14-236; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-298. - Public nuisance.

Any animal, fowl, livestock, or wildlife that creates a public nuisance as defined in Sec. 14-1 is in violation of this chapter and is subject to impoundment and citation.

(Code 2001, § 14-237; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-299—14-329. - Reserved.

DIVISION 2. - DANGEROUS DOGS<sup>41</sup>

Footnotes:

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**State Law reference**— Dangerous dogs, Texas Health and Safety Code § 822.001 et seq.

Sec. 14-330. - Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Dangerous dog* means any dog:

- (1) Which makes an unprovoked attack on a person or a domesticated animal that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept, and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Which commits unprovoked acts in a place other than an enclosure in which the dog is being kept, and that was reasonably certain to prevent the dog from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to a person or a domesticated animal.
- (3) Owned or harbored primarily or in part for the purpose of dogfighting, or trained for dogfighting.

(Code 2001, § 14-266; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-331. - Exemptions.

(a) No dog shall be deemed dangerous if the bite, injury, or damage was sustained by a person who at the time was committing a willful trespass upon the premises occupied by the owner or harbinger of the dog or by a person who has tormented, cruelly treated, or abused the dog.

- (b) No dog shall be deemed dangerous if the bite or injury to another animal occurred as a result of the other animal entering the enclosure where the animal lives.
- (c) Dogs under control of the Police Department or other proper governmental agency are exempt from this division.

(Code 2001, § 14-267; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-332. - Penalty.

Any person violating any section of this division upon conviction shall be punished as provided in city ordinance section 1-14. An owner of an animal that without provocation bites or injures a person or animal shall be strictly liable for the harm caused by such animal.

(Code 2001, § 14-268; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-333. - Dangerous dog license required.

Any person owning a dangerous dog must obtain a dangerous dog license annually. A written application for such license shall be made to ASC and shall include the applicant's name and address, a description of the animal, proof of current rabies vaccination, and the payment of a fee set by the health district and approved by the city council, which shall be posted at the ASC. The license shall be valid for one year from the date the license is obtained.

- (a) Before the license is issued, the owner must also comply with the following requirements:
  - (1) Have the dog spayed/neutered or provide documentation from a veterinary clinic stating the dog is spayed/neutered,
  - (2) Provide proof the dog has been implanted with a microchip,
  - (3) Register the dog for its life with the National Registry for dangerous dogs and present proof of registration,
  - (4) The owner of a dangerous dog must be at least 18 years old, and
  - (5) Not later than 10 days after a person learns that the person is the owner of a dangerous dog as defined in this division, the person shall obtain liability insurance coverage of at least \$750,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person, and the person shall provide proof annually of the required liability insurance coverage to ASC.
- (b) If the owner is not the property owner where the dangerous dog is to be located, the owner must have written and notarized permission from the property owner to have a dangerous dog at that location

(Code 2001, § 14-269; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-334. - Investigation of complaints.

If the ASC receives a complaint that a dog is dangerous and the complainant provides a sworn statement with particulars concerning the complaint, a thorough investigation shall be made. If it is determined by the health director or his/her designee that an animal is dangerous and presents a substantial danger to the public health, safety, and welfare of the community, the owner shall be notified that a dangerous dog determination has been made.

(Code 2001, § 14-271; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-335. - Declaration of dangerous dog.

- (a) The owner or harborer may voluntarily declare that a dog is dangerous and apply for a dangerous dog license, or the health director or his/her acting on information it has received may declare a dog dangerous after a thorough investigation.
- (b) An animal declared dangerous due to a human or animal attack shall be impounded immediately, and its owner promptly notified.
- (c) The owner of a dog declared to be dangerous shall have the right to file a written appeal of the determination as outlined by Texas Health and Safety Code Ch. 822, Sec. D. If the determination of the health director is overturned, the impoundment and other fees shall be paid prior to release.

(Code 2001, § 14-270; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-336. - Destruction.

- (a) Any dog determined to be dangerous by the health district may be humanely euthanized if:
  - (1) Written appeal pursuant to Texas Health and Safety Code Ch. 822, Sec. D is not made by the animal's owner within the allowed time period; or
  - (2) The owner of such animal fails or refuses to humanely euthanize the animal as requested by official notice or order of the court.
- (b) Notice as required in this section is properly served when it is hand-delivered to the owner, caregiver, or possessor of the animal, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the owner, caregiver, or possessor of the animal. A copy of the notice shall be filed in the records of the regulatory authority.
- (c) It shall be unlawful to refuse to relinquish a dangerous animal for destruction within one (1) day of notification as provided in this section. Any person refusing to relinquish a dog declared dangerous will be subject to penalties for each day of refusal.

(Code 2001, § 14-272; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-337. - Seizure Warrant.

If the harborer, owner, or caretaker of a dog declared dangerous refuses to release such animal to the Animal Care OfficerACO, it shall be the duty of the Animal Care OfficerACO to obtain a seizure warrant for the seizure of the animal.

(Code 2001, § 14-273; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-338. - Confinement.

- (a) It shall be the responsibility of the owner or harborer of a dangerous dog to securely confine such animal. A dangerous dog shall be confined in a covered enclosure with walls and/or fencing of at least six feet in height and otherwise designed to prevent escape by the dog. The enclosure must be securely locked at all times and must be confined within a 6-foot property perimeter fence that is sturdy and in good repair.
- (b) It shall be unlawful for a dangerous dog to be outside the dwelling of the owner or outside the enclosure unless it is necessary for the owner to obtain veterinary care for the dangerous dog or to comply with directions of the health district. In such event, the dangerous dog shall be securely restrained with a leather or nylon leash, muzzled, and shall be under direct control and supervision of

the owner or harborer or humanely caged. Unless confined or restrained under conditions stated in this subsection, the dangerous dog shall be considered at large and subject to immediate impoundment and immediate license revocation, as well as any other applicable penalties of this division.

- (c) The owner of a dangerous dog must notify the LRCA at any time the dog will be leaving the property for any reason. The owner must also notify the LRCA when the animal is returned to their property. The owner must also notify their veterinarian of the dangerous dog determination prior to any veterinarian visit.
- (d) A dog deemed dangerous shall not be allowed in public places such as a dog park, pet store, or other public areas where dogs are allowed.
- (e) A dangerous dog may not be sold, given away, or change owners. In lieu of transfer of ownership of any type, the animal must be relinquished to the ASC or a veterinarian for humane euthanasia.
- (f) If the owner changes addresses, they must notify the LRCA 10 days prior to the move so an inspection can be scheduled at the new address and the license transferred. Failure to comply will be grounds for revocation of the license

(Code 2001, § 14-274; Ord. No. 21-2009, § 1, 3-3-2009)

#### Sec. 14-339. – Sign Required.

The owner or harborer of a dangerous dog shall display a sign on the premises warning that there is a dangerous dog on the premises. The sign shall be visible and capable of being read from a public street, highway, or alleyway on any side of the property.

(Code 2001, § 14-275; Ord. No. 61-2004, § 1, 8-2-2004)

#### Sec. 14-340. - Inspections.

An inspection of the dangerous dog and the premises on which it resides shall be made twice a year and at any other time deemed necessary by the health district.

#### Sec. 14-341 Failure to comply.

Failure of an owner to comply with any part of this Chapter shall be cause for revocation of the dangerous dog license, and ASC shall seek a seizure warrant for the removal and humane euthanasia of the animal.

(Code 2001, § 14-276; Ord. No. 21-2009, § 1, 3-3-2009)

#### Secs. 14-342—14-368. - Reserved.

### DIVISION 3. - IMPOUNDMENT

#### Sec. 14-369. - Facilities authorized.

- (c) The city council shall select and establish a suitable animal shelter for impounding all animals, fowl, livestock, and wildlife by the health district.
- (d) The director or his or her designee is the designated caretaker of every animal as of the date of intake.

- (e) Immediately upon intake, the director or his or her designee, as the designated caretaker, is authorized to provide each appropriately aged animal with core immunizations and parasite treatment.

(Code 2001, § 14-306; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 52-2018, § 1, 10-2-2018)

Sec. 14-370. - Records required.

The ASC shall keep records of the following:

- (2) The description of all animals, fowl, livestock, and wildlife impounded by the health district;
- (3) The date of impoundment;
- (4) The date of reclaim;
- (5) The date of transfer to rescue, adoption, or euthanasia;
- (6) The amount realized for the reclaim or adoption of each animal, fowl, or livestock; and
- (7) The name, address, and phone number of the adopter.

(Code 2001, § 14-307; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-371. - Citation.

All animals, fowl, or livestock at large are subject to impoundment. In addition to or in lieu of impounding an at-large animal, fowl, or livestock, an ACO may issue the known owner of the animal, fowl, or livestock a citation that will constitute a notice of violation. The citation shall be forwarded to the city attorney for review and potential prosecution.

(Code 2001, § 14-308; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-372. - The right of entry on private property.

If an animal, fowl, livestock, or wildlife is observed at large on private property, the ACO may enter the property in accordance with applicable law for the purpose of emergency impoundment or seizure of the animal, fowl, livestock, or wildlife; the issuance of a citation; or both.

(Code 2001, § 14-309; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-373. - The right of owner to reclaim; fee.

- (a) The owner of any animal, fowl, or livestock impounded in accordance with this division shall have the right to reclaim the animal, fowl, or livestock upon showing satisfactory proof of ownership and paying the appropriate impoundment fee set by the health district and approved by the city council. The fee schedule will be posted at the ASC.
- (b) An owner or his designee who reclaims an animal 6 months of age or older from impound shall provide proof that the animal has been spayed/neutered prior to the release of the animal. If proof that the animal is spayed/neutered is not provided, the owner shall pay for the cost of spaying/neutering the animal and present proof of payment as well as a scheduled appointment to ASC prior to the release of the animal. The animal shall be spayed/neutered within 20 days of release, and the owner shall bring proof of the animal's sterilization to animal services immediately after sterilization.

- (c) Sterilization under this section may be postponed for a period greater than 30 days, but not more than 90 days, after release in cases of female animals in season, pregnant, or animals younger than 6 months of age. The owner must provide proof of pre-payment and a scheduled spay/neuter appointment to ASC prior to the release of the animal.
- (d) Sterilization under this section may be waived for first (1) impoundment if the owner can show current proof of registration with a recognized national show group.
- (d) It shall be unlawful for a person redeeming an animal under this section to fail to provide proof of rabies vaccination and spay/neuter, if applicable, within 10 days of the release of the animal if required to do so by this section.

(Code 2001, § 14-310; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 11-2014, § 3, 4-1-2014)

Sec. 14-374. - Proof of vaccination and license required for dogs and cats.

- (a) The owner of any impounded dog or cat 16 weeks of age or older shall, at the time of reclamation, show proof of current rabies vaccination or, if unable to show such proof, shall be required to purchase a rabies voucher and prepay for a city license. The owner shall be required to provide proof of rabies vaccination within 10 days after the release from ASC, at which time a city license will be issued. If the animal has a current rabies vaccination, the owner must purchase a city license if unable to show proof of a current license.
- (b) The owner of any impounded ferret must show proof of current rabies vaccination.

(Code 2001, § 14-311; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-375. – Reclamation of wildlife.

No wildlife shall be subject to reclamation from impoundment.

(Code 2001, § 14-312; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-376. - Detention time.

ASC staff Animal Care Officers shall keep all dogs/cats who either are wearing a collar, tag, or implanted with a microchip or are otherwise deemed by ASC staff to have a presumptive owner for a period of five (5) working days from the date of impoundment. All dogs/cats without a collar, tags, microchip, or not otherwise deemed as owned will be held for a period of three (3) working days from the date of impoundment.

(Code 2001, § 14-313; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-377. - Livestock.

- (a) *Impoundment for running at large.* The Animal Care Officer/Animal Care Officer/ACO shall impound livestock with a known owner found to be running at large within the city limits. Livestock at large with no known owner will be considered stray and be the responsibility of the Sheriff's office as required by State Law.

- (b) *Reclamation; fee.* The owner of livestock impounded as provided in subsection (a) of this section may reclaim the livestock by providing proof of ownership and paying all expenses, including any fee associated with the capture of the animal, boarding fee, impound fee, and any other expenses incurred by the ASC.
- (c) *Adoption/transfer of livestock.* Livestock will be held for five (5) working days past the date of impoundment at which time they will be available for adoption or transfer to an appropriate rescue group.

(Code 2001, § 14-314; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-378. - Fowl.

No owner, possessor, or harbinger of chickens, turkeys, or other fowl shall allow the fowl to run at large within the city limits. Fowl running at large shall be impounded by the ASC. The owner of any fowl impounded may redeem such by paying any applicable impound and boarding fees incurred during the impoundment period.

(Code 2001, § 14-315; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-379 - Any other animal

No owner, possessor, or harbinger of any other animal shall allow the animal to run at large within the city limits. Any animal running at large shall be impounded by the ASC. The owner of any animal impounded may reclaim the animal by paying any applicable impound and boarding fees incurred during the impoundment period.

Sec. 14-380. - Trapping.

- (a) Any Animal Care OfficerACO is authorized to employ the use of humane cage traps for the purpose of capturing animals, at their discretion, including sick/injured animals, animals under rabies investigation, abandoned animals, and stray dogs.
- (b) Residents of the city wishing to trap unwanted animals may do so with the use of humane cage traps. The ASC's trapping guidelines and state law shall be followed. Permission to trap must be obtained in writing from ASC. As part of the agreement, ASC will require permission to enter the property to remove the trap and any trapped animal(s). The following guidelines shall be followed while actively trapping:
  - (1) ASC has a LIMITED number of traps that can be leased out.
  - (2) Traps shall be monitored daily.
  - (3) ASC shall be notified prior to 3 p.m. any time an animal is found to be trapped.
  - (4) Traps shall be covered at all times.
  - (5) Traps shall be placed in a protected area safe from harsh elements or danger. Traps may be placed in an attic, shed, garage, or under a safe structure, but shall be removed from these areas prior to Animal Care OfficerACO servicing the trap. Traps shall not be placed in direct sun.
- (c) Trapping is prohibited at the following times:
  - (1) When the temperature is below 45°;
  - (2) When the temperature is above 80°;
  - (3) During inclement weather; and/or
  - (4) On weekends or City of Wichita Falls recognized holidays.

(Code 2001, § 14-316; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-381. - Euthanasia.

- (a) Any animal, fowl, or livestock impounded or found at large within the city may be humanely euthanized upon determination:
  - (1) By the health director or his or her designee or a local veterinarian that it has been injured or is sick and in such state that recovery is seriously in doubt, or
  - (2) That it is sick and endangers the health of other animals or persons.
- (b) Euthanasia shall be performed humanely by injection of a lethal drug or other means as approved by state law.
- (c) All wildlife known to be a high-risk rabies carrier will be humanely euthanized.

(Code 2001, § 14-317; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 32-2016, § 1, 9-6-2016)

Sec. 14-382. - Transfer of ownership after a period of detention.

- (a) *Detention period.* It shall be the duty of the health director or his or her designee to hold all impounded animals with a microchip, collar, rabies vaccination tag, ID tag, or a Wichita Falls city license tag attached to the collar for a detention period of five (5) days, excluding Sundays and city designated holidays, after the date of impoundment. All impounded animals without a collar, microchip, rabies vaccination tag, ID tag, or a Wichita Falls city license tag attached to the collar will be held for a detention period of three (3) days, excluding Sundays and city designated holidays, after the date of impoundment.
- (b) *Transfer of ownership.* After the period of detention has ended, title and sole ownership of the animal will be transferred to the health director or his or her designee. Title to the animal is considered vested in the health director or his or her designee for purposes of passing good title, free and clear of all claims. When ownership is transferred to the health director or his or her designee, title and sole ownership of the animal transfers to the health director or his or her designee, and the animal becomes the sole property of the health director or his or her designee. The animal becomes subject to disposition by transfer of ownership, euthanasia, or adoption as the health director or his or her designee deems appropriate once ownership is transferred.
- (c) *Eligibility for transfer of ownership, euthanasia, or adoption.* Once ownership of an animal is transferred to the health director or his or her designee, the animal will be eligible for transfer of ownership, euthanasia, or adoption, and subject to disposition as the health director or his or her designee sees fit.
- (d) *Quarantined animals.* This section does not apply to quarantined animals that are suspected of having rabies or that have been quarantined because the animal bit or scratched a person. Ownership of quarantined animals will be transferred to the health director one day after the date that quarantine has ended excluding Sundays and City recognized Holidays if they have not been redeemed or reclaimed by the original owner.
- (e) *Animals seized by court order.* This section does not apply to animals that have been impounded pursuant to seizure warrants because the animal is dangerous and caused injury to a person or has been cruelly treated or abandoned. Title shall transfer to the health director or his or her designee one day, excluding Sundays and city designated holidays, after the date of the hearing on the seizure warrant if the animals have not been reclaimed pursuant to a court order allowing the animal's owner to maintain ownership and good title to the animal. If the rightful owner has not reclaimed the animal obtained pursuant to a seizure warrant within ten days, excluding Sundays and city designated

holidays, after the date of the hearing to determine whether the animal has been cruelly treated or abandoned, ownership of the animal will transfer to the health director or his or her designee.

- (f) *Immediate transfer of ownership.* This section does not preclude a person from transferring ownership to the health director or his or her designee per written instrument. Any animals to which an owner has transferred ownership to the health director or his or her designee via written instrument will be eligible for transfer of ownership, euthanasia, or adoption immediately and subject to disposition as the health director or his or her designee sees fit.
- (g) *Reclamation after impoundment.* The person entitled to the possession of any animal delivered to ASC shall be entitled to have the animal delivered to him or her upon presentation of satisfactory evidence of ownership, as evidenced by the following:
- (1) A license issued pursuant to this chapter;
  - (2) A microchip indicating ownership of the animal;
  - (3) Receipt for purchase or adoption of the animal;
  - (4) Records from a veterinarian showing vaccinations administered within the previous 12 months;
  - (5) Receipts for payment to a veterinarian or commercial pet service facility for services rendered to the animal within the past 12 months;
  - (6) Photographic or videographic records showing the animal and individual asserting ownership at home or in other environments; or
  - (7) A signed and notarized affidavit in which the owner of the animal attests that the animal is his or her property.

(Ord. No. 32-2016, § 2, 9-6-2016)

Secs. 14-383—14-403. - Reserved.

#### DIVISION 4. - ANIMAL SHELTER ADVISORY COMMITTEE

Sec. 14-404. - Creation.

There is hereby created an Animal Shelter Advisory Committee.

(Code 2001, § 14-321; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-405. - Representation.

The Animal Shelter Advisory Committee (ASAC) shall be composed of five (5) persons with the following qualifications: one veterinarian; one animal welfare organization representative; one city official, designated as the LRCA of Wichita Falls, as mandated by the Texas Health and Safety Code § 826.017; one person whose duties include the daily operation of an animal shelter; and one citizen representing the general public.

(Code 2001, § 14-322; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-406. - The term of office; meetings.

The LRCA of Wichita Falls and the member whose duties include the daily operation of an animal shelter shall serve an indefinite term. The veterinarian appointed to the committee shall serve a term of two (2) years, the animal welfare organization representative shall serve a term of two (2) years, and the

citizen representing the public shall serve a term of two (2) years. All terms expire on December 31. The committee shall meet at least three (3) times each year.

(Code 2001, § 14-323; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 01-2017, 1-3-2017)

Sec. 14-407. - Duties.

The ASAC shall perform the following duties:

- (1) Assist the city in an advisory capacity in complying with the terms of Texas Health and Safety Code Ch. 823, as amended; and
- (2) Assist the city in an advisory capacity in establishing procedures applicable to the city's ASC as follows:
  - (a) To ensure that the ASC shall separate all animals in its custody at all times by species, sex (if known), and, if the animals are not related to one another, by size;
  - (b) To ensure that the ASC will not confine healthy animals with sick, injured, or diseased animals;
  - (c) To ensure that the city, at least once a year, employs a veterinarian to inspect the ASC to determine that such facility complies with the requirements of Texas Health and Safety Code Ch. 823, as amended. The veterinarian shall file copies of his report with the person operating the ASC and with the Texas Department of State Health Services on forms prescribed by the Texas Department of State Health Services; and
  - (d) To ensure that the shelter operator or contractor maintains the necessary records required under Texas Health and Safety Code §823.003(e), as amended.

(Code 2001, § 14-324; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-408—14-427. - Reserved.

ARTICLE V. - RABIES CONTROL <sup>[5]</sup>

Footnotes:

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**State Law reference**— Rabies control, Texas Health, and Safety Code § 826.001 et seq.

Sec. 14-428. - Reporting rabid animals, livestock, and wildlife.

It shall be the duty of every animal or livestock owner or harbinger, veterinarian, physician, or any person to report to the LRCA or their designee all cases of rabies with which he comes in contact or to which his attention has been directed. This report shall be made immediately upon diagnosis or suspicion of a case of rabies.

(Code 2001, § 14-346; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-429. - Reporting rabies exposure.

Every physician or other medical practitioners who treats a person or persons for any animal bite or scratch, or any person having knowledge of an animal bite or scratch shall immediately report the bite or

scratch to the Local Rabies Control Authority or their designee. The report should include the following information:

- (a) Date and time the bite or scratch occurred;
- (b) Name, age, and sex of the injured person;
- (c) Any and all treatment received, if known; and
- (d) Any other information as may be required by the LRCA or their designee.

(Code 2001, § 14-347; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-430. - Quarantine of animals, livestock exhibiting symptoms.

Any animal or livestock that has symptoms of rabies as verified by a veterinarian shall at once be placed under rabies quarantine by the LRCA, or tested in accordance with the Department of State Health Services rules.

(Code 2001, § 14-348; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-431. - Quarantine and redemption of biting or attacking animals or livestock.

- (a) If any person alleges that an animal or livestock has bitten, scratched, or otherwise attacked a person within the city limits in a manner that caused a break in the skin of the person, he shall report the incident to the LRCA or their designee. It shall be the duty of the Animal Care Officerowner to deliver the animal or livestock for quarantine purposes either immediately or the next business day if the bite occurs after normal operating hours.
- (b) Quarantine shall take place either at the ASC or at a local veterinary hospital for a period of at least ten days (240 hours from the time of the incident).
- (c) Home quarantine shall only be allowed on a limited basis after all available options have been exhausted. All criteria for home quarantine as mandated by the LRCA must be met and approval received from the LRCA.
- (d) Impoundment at any approved facility for rabies quarantine purposes shall be at the expense of the owner of the impounded animal or livestock. No animal or livestock confined for quarantine purposes under this article shall be released to any person until all vaccinations required under Sec. 14-41 have been paid for and scheduled with a licensed veterinarian.
- (e) Any owner or harbinger of an animal or livestock that has bitten or scratched a person within the city who fails to turn over the animal for quarantine, or refuses to allow the quarantine of the animal or livestock pursuant to this section, or attempts to interfere with impoundment, shall be guilty of a class c misdemeanor punishable by a fine set out under the provisions of this article. Each day of refusal constitutes a separate and individual violation. Violators will receive a citation for each day the animal is not quarantined.
- (f) Unvaccinated animals shall not be vaccinated against rabies during the ten (10)-day (240 hours) observation period; however, animals may be treated for unrelated medical problems diagnosed by a veterinarian.
- (g) Animals requiring quarantine must be spayed/neutered within 20 days after being released from quarantine. The owner must schedule and provide proof of an appointment and prepayment prior to picking the animal up from quarantine.

(Code 2001, § 14-349; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-432. Veterinary care while quarantined

The following measures shall be followed for an animal under quarantine that is not showing signs of rabies and requires treatment or unrelated medical care from a veterinarian:

- (a) The veterinary hospital/clinic shall be contacted and notified of the incoming animal and quarantine status.
- (b) The ACO shall follow all veterinary hospital/clinic rules and/or policies regarding quarantine animals coming into the facility.
- (c) The animal shall remain quarantined and away from other animals at all times.
- (d) The Animal Care Officer ACO shall be responsible for safe transport to and from the veterinary hospital/clinic.

Sec. 14-433. - Seizure Warrant.

It shall be the duty of the LRCA or their designee to obtain a seizure warrant for the seizure and quarantine of an animal that has bitten or scratched a person or animal if the harbinger refuses to release the animal for quarantine.

(Code 2001, § 14-350; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-434. - Citywide quarantine.

- (a) *Animals in public restricted.* It shall be unlawful for any person to allow any animal to be taken, whether restrained or not, into any public place during a period of citywide quarantine.
- (b) *Conditions warranting.* A citywide quarantine may be invoked by the local health authority for a period of 30 days after an investigation determines an immediate threat of rabies exists.
- (c) *Extension of time.* Additional positive cases of rabies that occur during a period of citywide quarantine may be grounds for an extension of the quarantine period for a reasonable period of time.

(Code 2001, § 14-351; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-435. - Animals or livestock bitten or attacked by suspected rabid animals.

Unvaccinated animals or livestock bitten or attacked by another animal or wildlife suspected of being rabid shall either be destroyed or isolated at the sole expense of the owner for a period of time as determined from the date of exposure in accordance with state law.

(Code 2001, § 14-352; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-436—14-451. - Reserved.

ARTICLE VI. - CRUELTY TO ANIMALS<sup>[6]</sup>

Footnotes:

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**State Law reference**— Treatment and disposition of animals, Texas Health and Safety Code § 821.001 et seq.; cruelty to animals, Texas Penal Code § 42.09.

Sec. 14-452. - Food, water, shelter, and shade.

No owner shall fail to provide their animals, fowl, or livestock with sufficient good and wholesome food and water; adequate shelter, shade, and protection from the weather; adequate space; humane care and treatment; and reasonable veterinary care as needed to prevent suffering. All persons owning, possessing, or harboring animals, fowl, or livestock shall comply with the following requirements:

(1) *Shelter and shade.* Shelter and shade shall be provided as follows:

- (a) *Animals.* Animals shall be provided with access to shelter sufficient to allow them to remain dry and protected from the elements. Shelters shall be fully enclosed on three sides, shall be roofed, and shall have a solid floor. The entrance to the shelter shall be flexible to allow the animal's entry and exit and sturdy enough to block entry of wind or rain. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and in good repair. Bedding shall be provided in the form of straw or hay. Materials such as blankets, sheets, and towels shall not be considered adequate bedding. A suitable method shall be provided to eliminate excess water from the shelter area. In addition to the shelter, either natural or artificial shade with adequate ventilation shall be provided to protect the entire animal from direct sunlight at all times of the day.
- (b) *Livestock.* Livestock shall be provided with access to shelter to allow them to remain dry during rain and snow and protected from severe weather. Such shelter shall have three solid sides and a roof. It shall be structurally sound and in good repair to protect the livestock from injury. Such shelter will provide a minimum amount of space sufficient to accommodate all livestock confined within the shelter, as provided in Sec. 14-198(e). Either natural or artificial shade shall be provided to protect livestock from direct sunlight. If shade is provided by the enclosure, allowance shall be made for adequate ventilation. A suitable method shall be provided to eliminate excess water from the shelter area.

(2) *Chaining and tethering animals.*

- (a) It shall be unlawful to keep an animal or livestock on a chain or rope placed in a manner that makes it possible for the animal to become entangled with the restraints of other animals or livestock or with any other objects.
- (b) It shall be unlawful to attach a collar or harness to an animal that chokes or pinches the animal unless a rope or tether is attached to the collar and is being held by a person.
- (c) It shall be unlawful for any animal to be attached to a chain or tether that weighs ten percent or more of the animal's body weight.
- (d) It shall be unlawful to stake a cat outside on a leash, tether, chain, or similar apparatus.
- (e) It shall be unlawful to restrain an animal outside with a chain or tether unless:
  - i. A person is holding the chain or tether; or
  - ii. The dog's owner or handler remains outside within clear view of the animal and within 50 feet of the animal throughout the period of restraint.

(Code 2001, § 14-381; Ord. No. 21-2009, § 1, 3-3-2009; Ord. No. 44-2011, § 1, 8-16-2011; Ord. No. 13-2013, § 1(14-381), 3-19-2013; Ord. No. 14-2016, § 1, 6-7-2016)

Sec. 14-453. - Inhumane treatment.

- (a) No person shall beat; cruelly treat; torment; mentally abuse; overload; overdrive; overwork; kill; torture; mutilate; maim; or perform, cause to be performed, or permit to be performed any other act of cruelty upon any animal, wildlife, fowl, or livestock.
- (b) A person commits an offense if either through their action or omission, they allow any of the following:

- (1) No person other than a licensed veterinarian shall crop the ears, dock the tail, remove the dewclaws, or perform any surgery on any animal, wildlife, fowl, or livestock, excluding livestock castration and dehorning. Transfer ownership or otherwise physically remove from its mother any dog, cat, ferret, or rabbit less than eight (8) weeks old, or any other animal that is not yet weaned except as advised by a licensed veterinarian.
- (2) Abandons any animal that he or she has possession or ownership of at ASC, or at any other place of business, on public property, or with any person that has not consented or has revoked consent to be responsible for the care of the animal.
- (3) Fails to reclaim any animal that he owns from ASC or any person who had temporary possession of the animal.
- (4) Causes or allows an animal to remain in its own waste or excrement.
- (5) Owns or has care, custody, or control of an animal having an infestation of ticks, fleas, or other parasites without having the animal treated by a veterinarian or following a proper commercially available treatment regimen for the infestation.
- (6) Owns or has care, custody, or control of an animal having an obvious or diagnosed illness, injury, or communicable illness transmittable to animals or humans without having the animal treated by a veterinarian or following a proper treatment regimen for the injury or illness.
- (7) Fails to provide basic grooming for an animal.
- (8) Causes allows or trains an animal to fight another animal or possesses animal fighting paraphernalia or training equipment.
- (9) Fails to provide an animal owned by him or under his care, custody, or control with the necessities of life including adequate food; potable water; sanitary conditions; shelter or protection from the heat, cold, and other environmental conditions; or other circumstances that may cause bodily injury, serious bodily injury, or death of the animal.
- (10) Teases taunts or provokes an aggressive reaction from an animal.

(Code 2001, § 14-382; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-454. - Abandonment of animals; release of wildlife.

- (a) Abandonment means to leave an animal without human supervision, unattended, and/or without adequate provisions necessary for maintenance of life for an unspecified amount of time or fails to reclaim any animal that he/she owns from the ASC or any person who has temporary possession of the animal.
- (b) It shall be unlawful for any person to abandon or turn any animal loose within the city limits.
- (c) It shall be unlawful for any person to abandon any animal that he/she has possession or ownership of at ASC and/or any other place of business, on public property, or with any person that has not consented, or has revoked consent to be responsible for the care of the animal.
- (d) It shall be considered abandonment and is unlawful for any person to relinquish any animal to ASC staff while withholding information regarding ownership or falsifying information.
- (e) It shall be unlawful for any person having custody of any wildlife to abandon such wildlife that is incapable of surviving on its own in the environment into which it is released.

(Code 2001, § 14-383; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-455. - Giving animals as prizes or inducements; artificially colored baby fowl or animals.

- (a) No person shall give away any live animal, reptile, fowl, livestock, or wildlife as a prize for or inducement to enter any contest, game, or other competition; an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer is for the purpose of attracting trade.
- (b) No chick, duckling, gosling, rabbit, or hamster that has been dyed or otherwise colored artificially shall be sold or offered for sale; offered or given as a prize, premium, or advertising device; or displayed in the city.

(Code 2001, § 14-384; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-456. - The duty of motor vehicle operator to report accidents involving animals, fowl, or livestock.

Any person who, as the operator of a motor vehicle within the city, strikes any animal, fowl, or livestock shall stop at once, render such assistance as may be practicable, and report the accident to an appropriate law enforcement agency or the ASC.

(Code 2001, § 14-385; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-457. - Exposing poisonous substances or traps.

- (a) No person shall expose any known poisonous substance, whether mixed with food or not, so that the poison shall be likely to be eaten by an animal, fowl, livestock, wildlife, or person. This subsection is not intended to prohibit the prudent use on one's own property of herbicides, insecticides, or common rodent control materials (e.g., rat poisons) mixed only with a vegetable substance.
- (b) No person shall expose an open-jaw-type trap, leg hold trap, snare trap, or any type trap able or likely to cause physical harm or injury to any animal, fowl, livestock, wildlife, or person.

(Code 2001, § 14-386; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-458. - Confining animals to motor vehicles.

- (a) No animal shall be confined within a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal, including, but not limited to, dangerous temperature; lack of food, water or attention; or confinement with a dangerous animal. Endangered health may be demonstrated by but not limited to the animal's excessive drooling, panting, lethargic behavior, collapse, vomiting, or convulsions.
- (b) Any Animal Care Officer ACO or peace officer is authorized to remove any animal from a motor vehicle at any location when he reasonably believes it is confined in violation of subsection (a) of this section. Any animal so removed shall be delivered to the ASC. The removing officer shall leave written notice of removal and delivery, including their name, in a conspicuous, secure location on or within the vehicle.

(Code 2001, § 14-388; Ord. No. 21-2009, § 1, 3-3-2009)

**Sec 14-460 - Animal in an open bed of a motor vehicle.**

(a) It shall be unlawful for an owner or person in control of an animal to carry or transport the animal on any public roadway in an unenclosed vehicle (such as a pick-up or flatbed truck, jeep, or similar vehicle) unless the animal is:

(1) Contained in a closed, vented animal carrier that is secured in such a manner as to prevent the carrier from being thrown from the vehicle in the event of a collision; or

(2) Secured by a leash or other device that is cross-connected to prevent the animal from falling, jumping, or being thrown from the motor vehicle and from strangling on a single lead. When the vehicle is parked, the owner is responsible for providing adequate ventilation, water, shelter, and shade.

Secs. 14-461—14-486. - Reserved.

#### ARTICLE VII. - CARE OF ANIMALS

Sec. 14-487. - Sanitation; odor and vector control; cage sizes.

Every owner, possessor, or harbinger of animals, fowl, and livestock shall comply with the following regulations and sanitation requirements:

- (a) *Animal waste.* Animal waste shall be disposed of on a daily basis.
- (b) *Odor and vector control required.* All persons keeping animals within the city limits shall keep the premises upon which the animals are kept clean and free from noxious and unpleasant odors and shall use some form of chemical control at reasonable intervals to keep the premises free from flies, mosquitoes, ticks, fleas, and other vectors.
- (c) *Cage Size.* An owner, harbinger, or possessor of an animal shall confine the animal in an enclosure sufficient to prevent its running at large. Such enclosure shall be of sufficient size to maintain the animal comfortably and in good health.

(Code 2001, § 14-416; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-488. - Storage of feed.

All feed provided for animals shall be kept in a rat-proof, fly-proof container.

(Code 2001, § 14-424; Ord. No. 21-2009, § 1, 3-3-2009)

Sec. 14-489. - Keeping of wildlife.

No person shall keep or permit to be kept on his premises any wild animal. This section shall not be construed to apply to approved zoological parks, performing animal exhibitions, circuses, animals kept for treatment in a facility operated by a veterinarian, or animals used for research or teaching purposes by a licensed hospital or nonprofit university, college providing a degree program, wildlife education center, and wildlife rehabilitators.

(Code 2001, § 14-422; Ord. No. 21-2009, § 1, 3-3-2009)

Secs. 14-490—14-517. - Reserved.

## ARTICLE VIII. - ANIMAL HEARINGS

### Sec. 14-518. - Right to hearing.

The following determinations may be appealed under the procedures in this article:

- (a) Denial of any permit applied for under this chapter;
- (b) Revocation of any permit applied for under this chapter;
- (c) Impoundment of any animal; and
- (d) The necessity for the destruction of any animal.

(Code 2001, § 14-451; Ord. No. 21-2009, § 1, 3-3-2009)

### Sec. 14-519. - Notice of right and request for hearing.

Any determination that results in the right to a hearing under Sec. 14-518 must be given in writing as an official notice to the owner, caregiver, or possessor of the animal.

- (a) Such writing must provide the owner, caregiver, or possessor of the animal with notice of the right to a hearing and instructions on the procedure for requesting a hearing.
- (b) A written request for a hearing must be filed with the director within five (5) days of receiving written notice of the determination.
- (c) The owner, caregiver, or possessor of the animal shall be granted a hearing within ten (10) days of receipt of a request for a hearing.
- (d) If no request for a hearing is received by the director within five (5) days of receipt of the written notice of the determination by the owner, caregiver, or possessor of the animal, the determination will be considered sustained and shall become final.
- (e) Notice as required in this section is properly served when it is hand-delivered to the owner, caregiver, or possessor of the animal, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the owner, caregiver, or possessor of the animal. A copy of the notice shall be filed in the records of the regulatory authority.

(Code 2001, § 14-452; Ord. No. 21-2009, § 1, 3-3-2009)

### Sec. 14-520. - Representation.

The owner, harborer, or other relevant party may choose to represent himself or be represented by a licensed attorney of his choice at the hearing.

(Code 2001, § 14-453; Ord. No. 21-2009, § 1, 3-3-2009)

### Sec. 14-521. - Conduct of hearing.

The director or his or her designee shall conduct the hearings provided for in this article at a time and place designated by the director. Based upon the recorded evidence of such hearing, the director or designee shall make final findings of fact and shall sustain, modify, or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the owner, caregiver, or possessor of the animal by the health district. If the outcome of the hearing allows for the re-issuance of a license, a reapplication fee shall be assessed at the discretion of the director.

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