

STATE OF TEXAS X

COUNTY OF BEXAR X

ORDINANCE 717

CITY OF CONVERSE X

**AN ORDINANCE REGULATING THE KEEPING OF DOGS AND CATS WITHIN THE CITY OF CONVERSE, TEXAS, DEFINING TERMS, LIMITING THE NUMBER OF DOGS AND/OR CATS TO A HOUSEHOLD, REQUIRING LICENSING AND REGISTRATION OF DOGS AND CATS, REQUIRING DOGS AND CATS TO WEAR A COLLAR AND TAG, PROVIDING FOR DISPOSITION OF DOGS AND CATS NOT LICENSED OR VACCINATED IN THE MANNER REQUIRED BY LAW, DISPOSITION OF INFECTED DOGS AND CATS, CONFINEMENT OF DOGS AND CATS, PROVIDING FOR MUZZLING DOGS AND CATS UNDER CERTAIN CONDITIONS, PROVIDING FOR NOTICE IN CASE ANY SUCH ANIMAL IS BELIEVED TO BE INFECTED WITH RABIES, PROVIDING FOR VACCINATION OF DOGS AND CATS, AND PROVIDING A PENALTY OF NOT MORE THAN \$1000.00 FOR ANY PERSON WHO SHALL VIOLATE ANY TERMS OF THIS ORDINANCE; PROVIDING THAT DOGS AND CATS SHALL NOT BE ALLOWED TO RUN AT LARGE OR UPON THE PROPERTY OF OTHERS; AND SUPERSEDING OTHER ORDINANCES IN CONFLICT.**

WHEREAS, the City Council desires to have an effective animal control program, while providing for the proper care and treatment of all animals; and,

WHEREAS, the present City regulations covering the keeping, licensing, vaccination, confinement and disposition of dogs and cats were adopted when the City was smaller and less populated with both people and animals; and,

WHEREAS, changes in the growth of the City, and improvements to the City's animal control and shelter program and revisions to State law, necessitate a comprehensive update to City Ordinances:

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

**SECTION I. DEFINITION OF TERMS:**

Animal shall mean dog or cat for the purpose of this ordinance.

Animal Control Authority shall mean the elements of municipal staff held responsible by the City Council for enforcement of this Ordinance. The City Manager, Chief of Police, and the

Animal Control Officer are delegated authority to act as necessary to protect public health and safety in accordance with the provisions of this Ordinance.

Animal Control Officer shall mean the person appointed specifically as Animal Control Officer by the City Manager and under the supervision of the Police Department to enforce the City Ordinance regulating animals. The Animal Control Officer shall also serve as the Local Rabies Control Authority when assigned by the City Manager. The Animal Control Officer shall be required to receive the pre-exposure rabies vaccination within six (6) months of employment.

Animal Shelter shall mean a public or private facility which, minimally, houses animals for impoundment purposes; or a centralized private facility which accepts or houses more than the limits on transfers for hobby breeders. Foster home sites and mobile adoption sites may be utilized in the operation of the animal shelter.

At large shall be intended to mean off the premises of the owner, and not under the control of the owner or a member of the immediate family either by leash, cord, chain or otherwise.

Cat shall be intended to mean both male and female felis catus.

Commercial Boarding and Training Facility shall mean a facility designated for daily care or overnight boarding of house pet animals in the absence of the owner. Additionally, a facility that cares for pet animals in training in the absence of the owner or owner's designee and receives compensation for boarding and training services qualifies as a commercial boarding and training facility. Training services include housing, training, handling showing, grooming and transporting pet animals. Boarding services includes day boarding (day care) [in which free boarding may be utilized.] and overnight boarding. Training services shall be for the purposes of exhibition, behavior modification or enhancement, field trial or lure course training, guard dog training, service dog training or any other type of training services.

Dangerous Dog shall mean a dog that makes an unprovoked attack on a person or another animal that causes bodily injury, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to another animal or a person. Attacks that occur in an enclosure in which the dog was being kept, and that was built to prevent the dog from leaving the enclosure on its own; shall not qualify as a basis for declaring a dog vicious or dangerous. Only unprovoked acts in a place other than an enclosure in which the dog was being kept and was built reasonably prevent the dog from leaving the enclosure on its own shall serve to justify a declaration of vicious or dangerous.

Dog shall mean a domesticated animal that is a member of the canine family. Dog shall be intended to mean both male and female.

Foster Home shall mean a site at which, through a written agreement with a licensed shelter facility, provides care and/or rehabilitation for sick, injured, orphaned, juvenile or other pet animals which are otherwise the responsibility of the shelter.

Keeper shall mean a person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat, or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

Kennel shall mean an establishment kept for the purpose of breeding, selling, or boarding dogs or cats or engaged in training dogs or cats.

Licensing Authority shall mean the Animal Control Officer of the City of Converse or any designated representative charged with administering the issuance and/or revocation of permits and licenses under the provisions of this ordinance

Local Rabies Control Authority shall mean the City Manager who is charged to enforce the provisions of this Ordinance and Chapter 26, Rabies Subchapter, Vernon 5 Texas Statutes and Codes Annotated Health and Safety Code. The City Manager is authorized to delegate authority as deemed appropriate to the Chief of Police and to the Animal Control Officer.

Mobile Adoption shall mean a site other than the central shelter facility at which pet animals may be offered for adoption to the general public.

Neutered shall mean rendered permanently incapable of reproduction.

Nuisance shall mean a dog or cat that annoys and degrades the quality of life for others. A animal becomes a nuisance when it damages, soils, defiles, defecates, or otherwise causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; chases vehicles; molests, attacks, or interferes with persons or other domestic animals on public or private property other than the keepers. It shall be a defense against prosecution if defecate waste is immediately removed and disposed of by the owner.

Owner shall mean any person or persons, firm, association, or corporation owning, keeping, harboring, or who has custody or control of one or more dogs and/or cats.

Person shall mean any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Restraint shall mean a dog or cat that is within the real property limits of the owner by means of an enclosure, or is in a vehicle or cage from which it cannot escape or on a leash or lead held by a responsible person.

Secure Enclosure shall mean a fenced area or structure that is capable of inhibiting the entry of the general public, including children, and preventing the escape or release of a dog. If the enclosure is used to keep and aggressive, dangerous, or vicious dog, it shall be clearly marked as containing a dangerous dog in conformance with the requirements for enclosures as established by the Animal Control officer.

Vicious Animal shall have the same meaning as Dangerous Dog.

## **SECTION II ANIMAL CONTROL OFFICER RESPONSIBILITIES:**

- A. There is hereby created the position of Animal Control Officer that shall be appointed by the City Manager. This Officer, or his designated assistant, shall have police powers in the enforcement of this ordinance and no person shall interfere with, hinder, molest or abuse the Animal Control Officer, or his Assistant, in the exercise of such powers.
- B. Animal Control Officer shall operate under the supervision of the Police Department to enforce the City Ordinance regulating animals, and shall serve as the Local Rabies Control Authority when charged by the City Manager. The Animal Control Officer shall be required to receive the pre-exposure rabies vaccination within six (6) months of employment.
- C. An Animal Control Officer or Police Officer may enter onto the front and back of unfenced private property to pursue an animal at large.
- D. Except as provided in Section XIV "Rabies Control" set forth below, it shall be the sole decision of the Animal Control Officer to waive the holding period and immediately euthanize wild, trapped animals or to release them back into the wild at least five (5) miles outside the City limits.

## **SECTION III. OWNER / KEEPER RESPONSIBILITIES:**

- A. It shall be unlawful for any dog or cat, licensed or not, to run at large within the limits of the City of Converse.
- B. It shall be unlawful for any dog or cat to be left unattended and unrestrained, even when on the owner's property. A dog on the front porch will quickly become a dog chasing a jogger, bicycle, meter reader, delivery man, or a car. In the interest of safety for both the public and the pet, an enclosure or restraint is required at all times.
- C. A dog or cat declared vicious or dangerous shall be kept caged. It shall be unlawful for any keeper of to permit a vicious or dangerous dog or cat to be out of its secure enclosure unless it is muzzled and on a leash or lead held by a person capable of controlling the animal.
- D. It shall be unlawful for the keeper of an un-neutered female dog or cat that is in heat, to allow such dog or cat to be off the premises unless accompanied by the keeper.
- E. It shall be unlawful for the keeper or owner of an animal to allow the animal to defecate on the property of another, or upon public property, without immediately cleaning the feces from the property and properly disposing of it in a trash receptacle.
- F. No dog or cat shall be allowed by its keeper to cause a nuisance as defined in Section I.

- G. It shall be unlawful for any animal licensed or unlicensed, on a leash or running at large, to be permitted in any establishment that handles, dispenses or sells food or beverage for human consumption. This prohibition does not apply to service dogs guiding or assisting handicapped persons.
- H. A dog or cat suspected to have rabies may only leave the premises to be taken to a veterinary hospital. It shall be unlawful for any person who knows or suspects a dog and/or cat to have rabies to allow such animal to be taken off the premises for any other reason, without the written permission of the City Manager or his designated representative.
- I. It shall be unlawful for any person or persons to abandon an animal within the city. This shall also apply to any person or persons who bring an animal to the city and abandoned such animal.
- J. It shall be unlawful for any person or persons to allow an animal to ride in the back of an open truck, trailer or other vehicle unless the animal is in a cage or tied in such a manner that the animal cannot jump out of the vehicle.
- K. No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- L. No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- M. Any person who permits an animal to remain on or about his/her premises for a period of five (5) or more days, and who harbors, keeps, causes or permits to be harbored or kept, or provides with food or water, shall be declared the owner of said animal.
- N. No person may use any license for any animal other than the animal for which it was issued.
- O. Every person owning or keeping any dog, cat or domesticated exotic animal shall procure a written vaccination certificate, signed by the veterinarian administering the vaccine. The certificate shall include an accurate description of the dog, cat or domesticated exotic animal, date of immunization, and the name and address of the owner of such dog or cat.

**SECTION IV. LIMIT ON DOGS AND/OR CATS TO A HOUSEHOLD:**

- A. No person shall keep or allow more than three adult dogs and/or cats in their household. This may consist of three adult dogs or cats or any combination.

- B. In addition to the adult animals, one litter of each may be kept up to three months of age when they must be removed from such premises and the number of pets allowed must be reduced to three in number.
- C. Anyone desiring to keep, harbor, or maintain more than three dogs or cats or any combination of the two, must receive explicit approval from the City Manager as a variance to this Ordinance

**SECTION V. LICENSE AND REGISTRATION REQUIRED:**

- A. All dogs and/or cats kept, harbored, or maintained by their owners or keepers in the City of Converse, shall be licensed and registered if over four (4) months of age. Written application for a license must be made within seven (7) days after obtaining a dog or cat over four (4) months of age or having a puppy or kitten attain the age of four (4) months or of the keeper establishing a residence in Converse.
- B. The written application for the dog or cat license may be made to the Animal Control Officer, the City Animal Shelter, the Converse Police Department, the Converse cashier, or one of the local Veterinarians designated by the City of Converse to issue license. The application and shall include the following information:
  - 1. Name and address of the keeper of the dog or cat.
  - 2. Name and address of owner, if different from keeper.
  - 3. Name of dog or cat, if any.
  - 4. Breed of dog or cat.
  - 5. Color of dog or cat.
  - 6. Age of dog or cat, if known.
  - 7. Date of birth of dog or cat, if known.
  - 8. Sex of dog or cat and if neutered.
  - 9. Date of last rabies vaccination as verified by Animal Control Officer or the person reviewing the certificate of vaccination.
- C. Upon the receipt of the written application and the presentation of proof of rabies vaccination, a license may be issued. The fee for an annual license shall be \$5.00 for each dog or cat. The annual registration fee shall be discounted \$2.00 for each neutered dog or cat. A lifetime registration and license may be issued the animal for a fee of \$25. The lifetime registration and license shall be discounted \$5 for each neutered dog or cat.

- D. Upon acceptance of the license application and fee the Animal Control Officer shall issue a durable metal license tag on which is embossed a unique number for each dog or cat, year of issuance, and the words "City of Converse, Texas". Such license tag is not transferable and must be attached, along with the rabies vaccination tag, to the collar around the neck of the dog or cat. The Animal Control Officer will keep a record of all license tags issued that reflects the license number and name and address of keeper.
- E. The Animal Control Officer may, by written notice addressed to registered keeper, revoke the license issued to any dog or cat, if the keeper of such dog or cat fails to comply with this or any other law governing the keeping of animals. If such revocation takes place, the keeper of such dog or cat whose license has been revoked has 48 hours to remove the dog or cat from the City of Converse.
- F. A license for a dog or cat shall be valid for twelve months. Dogs or cats previously licensed by the City of Converse must be licensed again each year, unless a lifetime license has been issued. The new annual licenses will be available for sale on January 15th of each year. Replacement license tags for lost tags may be procured from the Animal Control Officer upon the payment of \$1.00.

**SECTION VI. EXCEPTIONS:**

- A. Dogs and cats, whose owners are non-residents and are temporarily within the City for a period of 30 days or less are exempt from the provisions of this Ordinance. Dogs and/or cats brought into the City of Converse for the purpose of participating in any dog and/or cat show, and service dogs properly trained to guide or assist handicapped persons are also exempt from the provisions of this Ordinance.
- B. License fees will be waived for dogs serving the blind or deaf, government owned dogs used for law enforcement, or dogs in training for a governmental agency at a commercial boarding and training facility. However, animals in this category should be registered with the City and wear a tag so they may be returned to the owner if they become lost.

**SECTION VII. TAG AND COLLAR:** A. Upon receipt of proof of vaccination, receipt of the license fee, and approval of the application, the owner shall be issued a license certificate and metallic tag for each dog and/or cat so licensed. The shape of the tag shall be changed every year and shall have stated thereon, the calendar year for which it was issued and a number corresponding with the number on the certificate issued. Every owner shall insure his dog and/or cat wears its collar and tag at all times. In case a dog and/or cat tag is lost or destroyed, a duplicate may be obtained upon presentation of a receipt showing the payment of the license fee for the current year and the payment of fee for a duplicate tag. Dog and/or cat tags shall not be transferable from one dog and/or cat to another. No refund shall be made on any dog and/or cat license fee because of the death of the animal or by the owners leaving the City before the

expiration of the license. No person shall willfully with malice take from any dog and/or cat the issued license tag or the collar.

**SECTION VIII. VACCINATION:**

- A. All dogs and cats within the City of Converse, Texas, are hereby required to have a current vaccination against rabies by a licensed veterinarian at the owner's expense in compliance with the Texas Health and safety Code. Before any dog and/or cat license shall be issued, the owner must present a licensed veterinarian's certificate to the effect that the dog and/or cat have a current rabies vaccination.
- B. Dogs or cats over four (4) months old shall be vaccinated for rabies. Owners and keepers shall vaccinate any dog or cat over four (4) months old for rabies, within seven (7) days or less, of arriving within the city limits of Converse.

**SECTION IX. CONFINEMENT OF CERTAIN DOGS AND/OR CATS:** No dogs and/or cats whether licensed or not shall be allowed to run at large or upon the premises of another without the consent of the householders concerned. If any such dog and/or cat is found running at large or upon the premises of another without the consent of the householder concerned in violation of this Ordinance it shall be taken up and disposed of by the Animal Control Officer, as further provided for in this ordinance

**SECTION X. APPREHENSION OF DOGS AND/OR CATS:**

- A. The Animal Control Officer is duly authorized to enforce the provisions of this Ordinance. It shall be his duty to apprehend any dog and/or cat found running at large in violation of this ordinance and to confine the animal in a humane manner. After apprehending a dog and/or cat, he shall make a complete record of the capture. The record shall include the breed, sex, and color of such dog and/or cat; the time the animal was taken into custody; and if the animal is licensed the name and address of the owner and the number of the license tag. It shall then be his duty to dispose of such dogs and/or cats as prescribed below.
- B. If the animal is wearing a Converse registration tag and a current Rabies tag, the Animal Control Officer shall identify' the owner as soon as practical using the registration tags and data, and then return the animal to the owner. If the registration tag is not current the owner may renew the registration tag at double the normal fee or be issued a citation for violation of this Ordinance. If the impoundment is the first impoundment within a twelve-month period, the owner shall be verbally advised to ensure the animal is not allowed to run at large. If the impoundment is the second impoundment within a twelve-month period, the owner shall be given a written warning to ensure the animal is not allowed to run at large. If the animal has been impounded three or more times within a twelve month period the owner shall be given a citation for violation of this Ordinance

and the matter shall be adjudicated in Municipal Court. Exception to the above requirements may be granted by the City Manager or Chief of Police and the impounded animals may be released without fees or charges if it is believed the owner was not negligent and the animal was at large as result of acts of others. If the owner is not home, the animal shall be confined in the City Animal Shelter, but if possible kept separated from the other animals in the shelter, until the owner can be contacted. A boarding fee of \$5 for each day, or portion of a day, shall be charged to the owner while awaiting return to the owner. If the owner or keeper cannot be contacted to arrange prompt return within 14 days, the animal shall become property of the City and be managed accordingly.

- C. If the animal is wearing a Converse registration tag but does not have a current Rabies tag, the Animal Control Officer shall identify' the owner as soon as practical using the registration tags and data, and then return the animal to the owner. Upon return to the owner, the first priority shall be to determine the status of rabies vaccination. If the owner can show proof of current Rabies Vaccination, then the procedures prescribed in Section X. B. above shall apply. If the owner cannot show proof of Rabies vaccination or the revaccination is overdue, then a citation shall be issued for failure vaccinate the animal and for failure prevent the animal from running at large, and the matter shall be adjudicated in Municipal Court.
- D. The owner of any animal impounded under the provisions of this Ordinance for any reason shall be liable for the \$5.00 per day impoundment fee and any fines assessed by the Municipal Court whether the owner claims the animal or refuses to claim the animal. Exception to the above requirements may be granted by the City Manager or the Chief of Police and the impounded animals may be released without fees or charges if it is believed the owner was not negligent and the animal was at large as a result of acts of others. The owner must pay the impoundment fees due for the dog or cat prior to the release of the animal. The fees collected shall be used only for the purpose of administering the terms of this Ordinance and for those purposes provided in Section 826.033 of the Texas Health and Safety Code.
- E. If the animal is wearing a current Rabies tag but does not have a Converse registration tag, the Animal Control Officer shall identify' the owner as soon as practical using the Rabies tag data, and then return the animal to the owner. Upon return to the owner, the owner shall purchase a City registration at double the normal fee and may be issued a citation if considered appropriate by' the animal Control Officer.
- F. If the apprehended animal is wearing no tags, it shall be considered abandoned, and property of the City of Converse. If a person makes a claim of ownership for an apprehended animal with no tags, the City Manager shall consider the circumstances and the evidence presented, and decides appropriate action. If the person asserting ownership disagrees with the City Manager decision, he may, within three business days, request City Council considered the case and determines appropriate action. The subject animal shall not be adopted by another nor euthanized until the City Manager or City Council makes a final decision. If the animal is returned to the asserting owner, a boarding fee of \$5 for each day, or portion of a day, shall be collected for the time the animal spent in the

City Animal Shelter, and the owner must act to achieve full compliance with this Ordinance. If an apprehended animal wearing no tags appears ill, injured or vicious, it shall be euthanized as soon as practical. Apprehended animals without tags that appear healthy and social shall be confined in the City Animal Shelter for a minimum of three calendar days to allow an opportunity for the animal to be adopted.

- G. Dogs running in packs shall be considered feral and a serious threat to public health and safety. The City Manager and Chief of Police shall plan and supervise the destruction of any dog packs so as to minimize the danger to Converse residents and their property.

#### **SECTION XI. ADOPTION OF APPREHENDED DOGS AND/OR CATS:**

- A. Apprehended animals without tags may be adopted by anyone on a first in line basis. The new owner of any dogs and/or cats apprehended must register the animal, pay the appropriate fees for a City registration and license, and agree to vaccinate the animal for Rabies and to have the animal neutered within three business days. Proof of Rabies vaccination and spaying or neutering shall be furnished to the Animal Control Officer within ten calendar days of taking possession of the animal.
- B. In the event that the proof of Rabies vaccination and neutering is not provided to the Animal Control Officer as required, he/she shall have the right to remove or cause to have removed any such animals from possession of the new owner, or issue a citation, or both.

#### **SECTION XII. PERSONS BITTEN BY DOGS AND/OR CATS:**

- A. When a dog or cat which has bitten a human has been identified, the owner or keeper will be required to place the animal in quarantine until the end of a 10-day observation period. Unvaccinated animals should not be vaccinated against rabies during the observation period; however; these animals may be treated for unrelated medical problems diagnosed by a veterinarian. The 10-day observation period will begin at the time of the bite incident. If the animal becomes ill during the observation period, the person having possession of the animal must notify the City Manager, and the animal must be placed in a veterinary clinic where it must be observed at least twice daily.
- B. The City Manager is authorized to approve home quarantine if the following criteria can be met:
  - 1. A secure enclosure, inspected and approved by the Animal Control Officer, must be used to prevent escape.
  - 2. The animal has been vaccinated against rabies within the last 12 months. If an unvaccinated animal is not over four months of age at the time of the bite, it may be allowed home quarantine.

3. The Animal Control Officer or a licensed veterinarian must observe the animal on the first and last days of the quarantine.
  4. The animal was not roaming without physical restraint beyond the premises of the animal's owner or keeper at the time of the bite.
- C. An animal which has bitten a human and has been designated by the City Manager as unclaimed may be humanely killed in such a manner that the brain is not mutilated. The head with the brain intact shall be submitted to a Texas certified laboratory for rabies diagnosis.
  - D. The City Manager is authorized to require an animal that has inflicted multiple bite wound, punctures, or lacerations to a person to be humanely killed and the head with brain intact submitted for rabies testing.
  - E. Any animal required to be quarantined which cannot be maintained in a secure quarantine shall be humanely killed and the head with brain intact submitted for rabies testing.
  - F. If a veterinarian determines that a quarantined animal shows the clinical signs of rabies, the veterinarian shall humanely destroy the animal. If the animal dies or is destroyed while in quarantine, the head with the brain intact shall be submitted for rabies testing.
  - G. If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies at the end of the 10-day quarantine period, the animal shall be released to the its owner. However, the owner must present a valid and current rabies vaccination certificate for the animal, or the owner must have animal vaccinated against rabies by a licensed veterinarian.
  - H. The owner of an animal that is quarantined shall pay to the veterinarian the cost of the quarantine and disposition of the animal. The City may reimburse the veterinarian a reasonable amount for the cost of the quarantine and disposition of an animal whose owner is unable to pay.
  - I. The veterinarian or the City Manager may sell the animal and retain the proceeds or keep, grant, or destroy an animal if the owner or keeper does not take possession of the animal before the fourth day following the final day of the quarantine period.

### **SECTION XIII. REQUIREMENTS FOR OWNER OF DANGEROUS DOG:**

- A. A Dangerous Dog shall mean a dog that makes an unprovoked attack on an animal or person that causes bodily injury, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to another animal or a person. The unprovoked attack must occur 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.

- B. If a person reports an incident described in paragraph A. above, the Animal Control Officer shall investigate the incident. If after receiving the sworn statements of any witnesses, the Animal Control Officer determines the dog is a dangerous dog, it shall notify the owner of that fact. For purposes of this section, a person learns that his dog is dangerous when either, the owner knows of an attack or act described in paragraph A. above, or he is informed by the Animal Control Officer that the dog is a dangerous dog.
- C. An owner shall be given three business days from the date he is notified by the Animal Control Officer that his dog is a dangerous dog, to appeal the determination of the Animal Control Officer to the City Manager. During all such appeals, the owner of the dog in question must restrain the dog at all times muzzled and on a leash (held by a person 17 years of age or older), in the immediate control of all persons or restrain the dog in a secure enclosure. Failure to comply with these requirements during the process of appeal will be grounds for the removal of the dog from the custody and control of the owner. All costs associated with the failure of the owner to comply with these requirements, including impoundment fees and costs for caring for the dog, shall be charged against the owner.
- D. Not later than the 5th day after a person learns that his dog is a dangerous dog, the person shall:
  - 1. Register the dangerous dog with the Animal Control Officer for the City of Converse; and,
  - 2. Restrain the dangerous dog at all times with a muzzle and on a leash or lead held by a person over 17 years of age, or restrain the dangerous dog in a secure enclosure or cage; and,
  - 3. Obtain liability insurance coverage or show financial responsibility in an amount of at least \$300,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to an animal or person. Such liability insurance coverage must be provided along with the registration of the dangerous dog to the Animal Control Officer; and,
  - 4. Restrain the dangerous dog from all streets, avenues, highways, alleys, sidewalks, and parkways. Parks, and other public places.
- E. The owner of a dangerous dog shall annually register the animal (Dangerous dogs are not eligible for a lifetime license) with the Animal Control Officer by Presenting:
  - 1. Proof of liability insurance or financial responsibility, as required by paragraph D.3. above,

2. Proof of current rabies vaccination of the dangerous dog;
  3. Proof that the owner has a secure enclosure in which the dog will be kept; and,
  4. Payment of an annual registration fee of \$200.
- F. If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the 5th day after the date of sale or move, shall notify the Animal Control Officer of the new address where the dangerous dog is located. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a fee of \$50.00, the Animal Control Officer shall issue a new registration tag to be placed on the dangerous dog's collar. The dangerous dog must wear a collar with the tag at all times.
- G. An owner of a registered dangerous dog shall notify the municipal Animal Control Officer of any attacks the dangerous dog makes on people or other animals.
- H. An owner of a dangerous dog commits an offense if the dog is allowed outside the required secured enclosure and the dog makes an unprovoked attack on another animal or a person and causes bodily injury to the other animal or person.
- I. An offense under this section is a Class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a class A misdemeanor.
- J. If a person is found guilty of an offense under this Section, the Court shall order the Animal Control authority to seize the dog and shall issue a warrant authorizing the seizure of the dangerous dog. The dangerous dog shall be destroyed if the owner has not complied with this Section before the 6th day after the date on which the dog is seized or delivered to the Animal Control Authority.
- K. In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000.00. The City Attorney for the City of Converse may file suit in a court of competent jurisdiction to collect the penalty. Civil penalties collected from suits under the provisions of this subsection shall be deposited in the General Fund.
- L. It is a defense to prosecution under this Section that the person is a Veterinarian and has temporary ownership, custody, or control of the dog in connection with that position. It is a defense to prosecution under this Section that the person is employed by a recognized animal shelter, and has temporary ownership, custody, or control of the dog in connection with that position. It is a defense to prosecution under this Section that the person is employed by the State, or a political subdivision of the state, to deal with stray animals, and has temporary ownership, custody, or control of the dog in connection with that position.

- M. It is also a defense to prosecution under this Section that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or correction purposes.
- N. It is also a defense to prosecution under this Section that the person is a dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agency's Act.

#### **SECTION XIV. RABIES NOTICE:**

- A. A person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall report the incident or animal to the Animal Control Officer. The report must include the name and address of the victim and of the animal's owner, if known, and any other information that may help in locating the victim or the animal. If an owner knows or suspects his dog and/or cat has been exposed to rabies he shall notify the Animal Control Officer immediately.
- B. A dog and/or cat which has been bitten or directly exposed by physical contact with a rabid animal, or its fresh tissues, without a current rabies vaccination shall be humanely killed. If the City Manager determines that there is sufficient justification for preserving the animal, the exposed animal shall be immediately vaccinated against rabies, placed in strict isolation for 90 days, and given booster vaccinations during the third and eighth weeks of isolation. For young animals, additional vaccinations may be necessary to ensure that the animal receives at least two vaccinations at or after the age prescribed by the United States Department of Agriculture for the vaccine administered.
- C. A dog and/or cat that has a current rabies vaccination and which has been bitten, or directly exposed by physical contact with a rabid animal or its fresh tissues, shall be humanely killed. If the City Manager determines that there is sufficient justification for preserving the animal, the exposed vaccinated animal shall be immediately given booster vaccinations and placed in strict isolation for 45 days.
- D. All wild animals involved in biting incidents shall be humanely killed in such a manner that the brain is not mutilated. The head with the brain intact shall be submitted to a certified laboratory for rabies diagnosis.

#### **SECTION XV. KENNELS:**

- A. Kennel shall mean an establishment kept for the purpose of breeding, selling, or boarding dogs or cats or engaged in training dogs or cats as a hobby or part-time business. A Kennel shall require a Kennel Permit specifically approved by the City Council for the owner and the location. If a Kennel Permit is approved by City Council, the owner shall pay annual fee of \$100 and agree to comply with the following requirements: The dogs

and cats shall be kept in an enclosure from which they cannot escape and the enclosure shall meet the following space, separation and feces disposal requirements.

1. Space and Separation: The sides of the enclosure for keeping more than two dogs or one cat. or one dog and two cats shall be:
  - a. At least fifty (50) feet from the property line of the premises on which it is located.
  - b. At least one hundred (100) feet from a building or structure in which any human lives, sleeps, or dines.
  - c. Large enough to provide at least 25 square feet of area per dog or cat in the enclosure.
2. Feces Disposal: Before more than three animals can be licensed to be kept on any one premises in the city limits of Converse the premises must have a facility for the storage of all feces from the dogs or cats. Such facility will be impervious (Concrete) bins with an impenetrable, tightly fitting, cover of at least 30 cubic feet.
  - a. Kennels must make a daily collection of all feces before 10:00 A.M. and place the collection in the storage bin and treat such collected feces so as to mitigate odor.
  - b. Disposal of collected feces must be done as frequently as is necessary to prevent fly breeding and odors, and at least twice per week.

## **SECTION XVI. COMMERCIAL BOARDING AND TRAINING FACILITIES:**

- A. Commercial Boarding and Training Facility shall mean a facility designated for daily care or overnight boarding of house pet animals in the absence of the owner as a full time business. Additionally, a facility that cares for pet animals in training in the absence of the owner or owner's designee and receives compensation for boarding and training services qualifies as a commercial boarding and training facility. Training services include housing, training, handling, showing, grooming and transporting pet animals. Boarding services includes day boarding (day care) [in which free boarding may be utilized.] and overnight boarding. Training services shall be for the purposes of exhibition, behavior modification or enhancement, field trial or lure course training, guard dog training, service dog training or any other type of training services.
- B. License Requirements: No person shall operate a Commercial Boarding and Training Facility unless the person holds a valid license issued by the City of Converse. The Commercial Boarding and Training License fee shall be \$100 for a twelve-month license. The license period shall commence the first working day of the calendar year and must be renewed on or before the first working day of the following calendar year.

- C. **Physical Facility:** Commercial Boarding and Training Facilities must be constructed of building materials that will ensure the facility is of a sound physical structure. The facility must be maintained in good repair to protect animals kept there from injury, restrict entry of other animals from outside, and ensure containment within the pet animal boarding and/or training facility by either a building or a fence designed to be escape-proof. The interior building surfaces of Commercial Boarding and Training Facilities shall be constructed and maintained so that they are water-resistant and readily cleaned and sanitized. The housing for pet animals shall additionally be sufficiently heated or cooled when necessary to protect animals from cold or heat to provide for their health.
- D. **Space and Separation Requirements:** Primary enclosures are the animal enclosures in which the pet animal rests, sleeps and/or eats. Primary enclosures shall be constructed such that they can be routinely maintained to allow animals to stay dry and clean and to provide convenient access to clean food and water. Primary enclosures and exercise areas shall be of such size to meet the acceptable standards set forth by industry standard for commercial facilities (American Boarding and Kenneling Association --ABKA) for like animal species (canines, cats, pocket pets, aviary, etc). Any canine exhibiting aggressive behaviors, or housed at owner expense for rabies quarantine requirements as set forth by the animal control officer shall be housed individually regardless of owner request. When engaged in common area open environment day care, there shall be established and committed supervision in ratios recommended by industry standard (ABKA).
- E. **Records:**
1. Records of animals boarded and/or trained shall be kept by the facility for 12 months from the date of the transaction, with the records kept at the address specified in the license application. The records shall include the name and address of the owner of the pet animal, date of transaction, species/breed, specific identifying characteristics (if available), gender and age, and name of the owner's veterinarian (if available). Records may be electronic. A Photostat or transcription to kennel forms of communicable disease immunizations shall be kept for each boarded or trained animal at the facility, including rabies, recording the date on which the immunization was given or the expiration date. These records shall be retained at the boarding and/or training facility for a period of 30 days after the animal leaves the facility.
  2. An incident file (may be electronic file) shall be kept yearly with back files of three years on animals which
    - a. sustain an injury while at the facility.
    - b. experience severe illness.
    - c. experience new onset seizures.
    - d. receive care by veterinarian while at the facility.
    - e. die during stay.
    - f. Escape.
  3. In events of deaths or escapes, the animal control officer shall be notified within one

hour during normal business hours of the City. Outside normal business hours, these events shall be reported to the non-emergency number for police and fire dispatch.

4. All records are open for review by the Animal Control Officer, Health Safety Officer or the City of Converse during regular business hours or as mutually agreed.
5. Veterinarians of record may be the veterinarians of choice of the owner or the veterinarian of record/choice of the facility—the name and relationship of the latter must be readily available to an inspector or city official and so retained by the facility to provide necessary services.

F. Medications: Facility operators acting as agents for the owner may administer prescription medication to pet animals being boarded or housed as directed by the owner's veterinarian. If the boarding and/or training facility operators agree to administer prescription medications, they shall be given according to the labeled directions.

G. Zoonotic Disease. Zoonotic Disease shall be reported as required by the Texas Health and Safety Code with information copies provided to the City Animal Control Officer within one hour of the report to State officials.

H. Feces Disposal: Feces shall be collected and disposed of in such a manner as is necessary to prevent fly breeding and odors and may include use of applicable waste removal systems of storage bins, public sewer, or septic holding tanks as permitted by law.

#### **SECTION XVII. GENERAL REGULATIONS:**

- A. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal. However, it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.
- B. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In no event will this paragraph be construed as requiring a person to physically touch or approach an injured animal that is capable of biting the individual. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency. Failure to do so, shall be a violation of this ordinance.

**SECTION XVIII. PENALTIES FOR VIOLATIONS:** Any person violating this ordinance or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined not more than \$1000 for each violation. Each and every day such violation continues shall be considered a separate offense and punishable accordingly.

**SECTION XIX. SEVERABILITY:** If any section or a part of any section or paragraph or any sentence of this ordinance is declared invalid or unconstitutional for any reason, it shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section or paragraph or sentence of this ordinance.

**SECTION XX. SUPERSESSION:** This Ordinance supersedes City of Converse Ordinance #717 dated July 6, 2004.

PASSED AND APPROVED this 20<sup>th</sup> day of June 2006.

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Craig Martin, Mayor

ATTESTED:

Adriana I. Hieronymus,  
City Secretary