

ORDINANCE NO 2330

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS AMENDING CHAPTER 2, ARTICLE 5, DIVISION 4 OF THE CODE OF ORDINANCES TO ADD A DANGEROUS DOG RENEWAL FEE, AN AGGRESSIVE DOG FEE AND A STERILIZATION FEE, AMENDING CHAPTER 3, ARTICLE 2 OF THE CODE OF ORDINANCES BY REVISING THE DANGEROUS DOG PROVISIONS, BY ESTABLISHING A COMMUNITY CAT PROGRAM, AND OTHER AMENDMENTS RELATED THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS

Section 1. That section 2-136(a)(5) of Chapter 2, Article 5, Division 4, is amended to read as follows:

- (5) Registration – Dangerous dogs and aggressive animals
 - a. Initial Dangerous dog registration fee ...\$250.00
 - b. Annual Dangerous dog renewal registration fee ...\$50.00
 - c. Initial Aggressive animal registration fee ...\$250.00
 - d. Annual Aggressive animal renewal registration fee ...\$50.00

Section 2. That section 2-136(a) of Chapter 2, Article 5, Division 4, is amended by adding a new subsection (7) to read as follows:

- (7) Sterilization fee ... amount charged to city by veterinary

Section 3. That Article II, Chapter 3 of the Code of Ordinances is amended to read as follows:

ARTICLE II. ANIMAL SERVICES

DIVISION 1. GENERAL PROVISIONS

Sec. 3-11. Definitions. In this article:

Aggressive Animal means an animal that, on at least one occasion and while not legally restrained:

- (a) Injured or killed a person or a legally restrained domestic animal or livestock; or
- (b) Committed unprovoked acts that would cause a person to reasonably believe that an attack is imminent to themselves or a legally restrained domestic animal or livestock in their control.

Animal means any living nonhuman vertebrate or invertebrate creature.

Animal services means the city's animal services division.

Animal services officer means any person designated by the city to enforce the provisions of this article.

Animal services manager means the person designated by the city manager to supervise the business of animal services.

Animal rescue group means a 501(c)(3) charitable organization registered with the city that provides temporary care and custody of sick, injured, lost, abandoned, unwanted, or stray animals and provides veterinary services for the animals housed in its care under the supervision of a licensed veterinarian who is employed or retained by the organization.

Community cat means a feral or free-roaming cat without evidence of ownership.

Community cat caretaker means a person who provides care, including food, shelter, or medical care to one or more community cats. Community cat caretakers are not considered the owner, protector, controller, or keeper of a community cat for purposes of this article.

Community cat program (CCP) means a program approved by the city in which community cats are humanely trapped, evaluated by a veterinary professional, vaccinated for rabies, sterilized, ear-tipped, and returned to the trap location.

Dangerous dog means a dog that:

- (a) makes an unprovoked attack on a person 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
- (b) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Domestic animal means an animal that is not wild, that has been bred or trained to need and accept the care of humans and to live in a tame condition, and commonly kept as a household pet.

Dunbar Bite Scale means a scale created by Dr. Ian Dunbar and used to assess the severity of biting problems based on an objective evaluation of wound pathology.

Ear-tip means the removal of the ¼ inch tip of a community cat's left ear, performed while the cat is under anesthesia by or under the supervision of a licensed veterinarian.

Fowl means one or more peacocks, peahens, chickens, guineas, turkeys, ducks, or geese.

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

Livestock means a goat, ostrich, rhea, llama, alpaca, emu, member of the swine family, member of the equine family, or member of the bovine family.

Microchip implant means an identification chip implanted under the skin of an animal for the purpose of identification of the animal. The implanted chip is registered with a microchip registration company with current ownership information to include the current owner's name, address, telephone number, and the description of the animal.

Owner means a person who:

- (1) Has title to, custody of, or provides food, water, shelter, or veterinary care for an animal;
or
- (2) Allows an animal to remain on or about the owner's premises for ten or more days.

Other household pet means a mammal, reptile, caged bird, or other animal usually kept as a household pet, but does not include livestock, a wild animal, a dog, a cat, or a fish.

Pest control means killing, reduction or elimination of animal pests such as rodents or agricultural and garden insects such as termites, roaches, flies, mosquitoes and other insects.

Provocation means the conduct or action of a person or another animal that could be expected to elicit or provoke an animal to chase, snap at, attack, bite or scratch the person or other animal.

Rabies certificate means a document issued by a veterinarian who administers a rabies vaccine in compliance with Chapter 826, Tex. Health and Safety Code and Title 25, Chapter 169, Tex. Admin. Code, that consists of:

- (1) Owner's name, address and telephone number;
- (2) Animal identification, including species, sex, approximate age, size, predominant breed and color;
- (3) Vaccine used, including product name, manufacturer and serial number;
- (4) Date vaccination was administered;
- (5) Revaccination due date;
- (6) Rabies tag number if tag is issued; and
- (7) Veterinarian's signature, signature stamp, or computerized signature, address and license number.

Restraint means a chain, rope, tether, leash, cable or other device that attaches an animal to a stationary object or trolley system.

Running at large means any dog, cat, or other domesticated animal present on any public or unfenced private property not belonging to the owner or under control of the owner, and without the owner or caretaker having direct physical control over such animal.

Wild animal means a venomous, poisonous or dangerous reptile, or any other animal which can normally be found in the wild state and is not normally capable of being domesticated.

Sec. 3-12. Running at large prohibited.

- (a) It is unlawful for an owner or person having control of an animal to allow an animal to be running at large.
- (b) It is unlawful for an owner or person having control of an animal to fail to take the acts necessary to prevent an animal from running at large.
- (c) It is a defense to prosecution under this section that the animal is:
 - (1) A specially trained dog that is being used with or without a leash by a blind or deaf individual to aid them within the city;

- (2) In attendance at a formal training class and is under the direct supervision of the owner during the entire class.
- (3) Within a vehicle being driven or parked;
- (4) Inside a designated off-leash animal recreation area owned or leased by the city; or
- (5) A community cat located in a registered community cat colony.

Sec. 3-13. Animal waste disposal.

- (a) It is unlawful for an owner or person having control of an animal to permit the animal to defecate on private property unless the person immediately removes and properly disposes of the feces.
- (b) It is unlawful for an owner or person having control of an animal to walk the animal on private property without carrying at all times a suitable container or other suitable instrument for the removal and disposal of animal feces.
- (c) A person on whose property an animal has unlawfully defecated may file a complaint with animal services. Prior to filing a complaint with the city, the person whose property has been defecated on must give written notice to the owner or person having control of the animal that the animal defecated on the property and the owner or person having control of the animal failed to immediately remove and properly dispose of the feces. A complaint must include the name and address of the complainant, the name and address of the violator, the location of the violation, the type of animal causing the violation, and the date and times at which the violation occurred. This complaint must also include a copy of the written notice that was sent to the violator as required by this section.
- (d) It is a defense to prosecution under this section that the animal is a specially trained dog that is being used by a blind individual.
- (e) It is a defense to prosecution under this section that the animal defecates upon private property owned by the owner or person having control of the animal.

Sec. 3-14. Unreasonably noisy animals.

- (a) It is unlawful and declared a nuisance for any owner or person in control of an animal to allow the animal to bark, growl, howl, whine or make any other sound loud and long enough to unreasonably disturb the peace of other people on the same, adjoining or nearby property.
- (b) A person may file a complaint with municipal court for this violation. Prior to filing a complaint with the city, the person having been disturbed by an animal must give written notice to the owner of the animal that the animal's conduct has disturbed his peace on more than one occasion. A complaint must include the name and address of the complainant, the name and address of the violator, the location of the violation, the type of animal causing the violation, and the dates and times at which the violation occurred. This complaint must also include a copy of the written notice that was sent to the violator as required by this section.

Sec. 3-15. Reporting of certain animals struck by motor vehicle.

An operator of a motor vehicle who strikes a dog or cat with the vehicle must immediately stop and report the injury or death to the animal's owner. If the owner cannot be ascertained or located, the operator must immediately report the accident to the police department.

Sec. 3-16. Keeping of dogs, cats, and other household pets.

- (a) It is unlawful for a person to possess or keep at any one location, including in any one building, residential dwelling, or on any one lot, more than:
 - (1) Four dogs over four months of age;
 - (2) Four cats over four months of age;
 - (3) A combination of four dogs and cats over four months of age;
 - (4) Four other household pets over four months of age; or
 - (5) One litter not over four months of age from any dog, cat, or other household pet.
- (b) It is a defense to prosecution under this section that the animals are kept:
 - (1) By an animal rescue group registered with the city or individual offering foster care who is registered with the city;
 - (2) In a state or federally permitted kennel, veterinary facility, pet store, research facility, or other nonresidential land use permitted by the city's zoning regulations that provides for the keeping of the animals; or
 - (3) By a community cat caretaker and live in a registered community cat colony.

Sec. 3-17. Keeping of livestock.

- (a) The number of livestock, except swine, permitted in any area may not exceed one animal for the first two acres and two animals per acre for each additional acre over two acres of a single tract of land. A minimum of two acres is required for the first animal.
- (b) It is unlawful for a person to keep swine within the city.
- (c) An enclosure or other restrictive area for livestock must be of sufficient strength and construction to keep the livestock confined.
- (d) The animal services manager may waive certain requirements of this section in cases involving a scientific program, a nonprofit organization show or humane activity.

Sec. 3-18. Keeping of fowl.

- (a) It is unlawful to keep fowl on any property, except that fowl may be allowed to inhabit public lakes or ponds, and private lakes or ponds that are managed and maintained by an organization, company or corporation.
- (b) The property owner or organization in control of any lake or pond where fowl are allowed must provide care and maintenance for the fowl and property and must remove or otherwise control any fowl which become a nuisance to the residents of surrounding area or community.

- (c) The animal services manager may waive certain requirements of this section in cases involving a scientific program, a nonprofit organization show or humane activity.

Sec. 3-19. Keeping of rabbits.

- (a) It is unlawful to keep more than two rabbits and one litter less than six weeks old on property less than one acre in size.
- (b) Rabbits must be kept in a secure pen enclosure that is at least 30 feet from any adjoining property line.
- (c) The animal services manager may waive certain requirements of this section in cases involving a scientific program, a nonprofit organization show or humane activity.

Sec. 3-20. Keeping of wild animals.

It is unlawful to keep any wild animal inside the corporate city limits. It is unlawful to release a wild animal inside the corporate limits.

Secs. 3-21—3-24. Reserved.

DIVISION 2. HUMANE TREATMENT OF ANIMALS

Sec. 3-25. Provisions for animals required.

- (a) It is unlawful for an owner to fail to provide an animal with:
 - (1) A structurally sound shelter that:
 - a. Is designed for the species of the animal and contains sufficient space for the animal to turn about freely and easily sit, stand or lie in a comfortable, natural position;
 - b. Protects the animal from injury and inclement weather; and
 - c. Is regularly cleaned to prevent the accumulation of waste and other dangers that may threaten the health and safety of the animal.
 - (2) Sufficient food that is free from contamination and of sufficient quality and nutritive value to maintain the animal in good health;
 - (3) Sufficient clean, fresh water; and
 - (4) Veterinary care when needed to prevent suffering.
- (b) It is unlawful to leave:
 - (1) An animal on property in a manner that causes or may cause the animal to suffer injury or to become a public responsibility;
 - (2) Any animal in any of the following unhealthy conditions:
 - a. Accumulation of solid waste, dangerous materials or matter, or stagnant or polluted water or liquids;
 - b. Accumulations of earth, rocks, waste building materials or other construction debris left on the property not associated with on-going construction on the property;

- c. Any substance, matter or condition that creates a foul-smelling odor or fumes; or
- (3) An animal without making reasonable arrangements for assumption of care or custody by another person.
- (c) If the owner is a pet shop or rescue organization sheltering more than one animal of the same species, a designated and isolated area for animals that exhibit symptoms of contagious disease or illness is required in a location such as to prevent or reduce the spread of disease to healthy animals.

Sec. 3-26. Beating or tormenting of animals.

It is unlawful to beat, cruelly treat, torment, overload, overwork, trap with steel jaw traps, or otherwise abuse an animal, or cause, instigate, or permit a dogfight, cockfight, bullfight, or other combat between animals or between an animal and a human.

Sec. 3-27. Restraint of animals.

- (1) An owner or custodian may not leave a dog outside and unattended by use of a restraint unless the owner or custodian provides the dog access to:
 - a. adequate shelter;
 - b. an area that allows the dog to avoid standing water and exposure to excessive animal waste;
 - c. shade from direct sunlight (a doghouse is not adequate shade); and
 - d. constant access to potable water.
- (2) An owner may not restrain a dog outside and unattended by use of a restraint that:
 - a. is a chain;
 - b. has weights attached;
- (3) is shorter in length than the greater of:
 - a. five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
 - b. 10 feet.
- (4) is attached to a pinch, prong, or choke collar or any ill-fitting collar or harness.

Sec. 3-28. Enclosure of animals in parked vehicle.

- (a) It is unlawful to leave, place or confine an animal in a motor vehicle or trailer in such a way as to endanger the animal's health, safety or welfare.
- (b) An animal services officer, police officer or firefighter may use reasonable force to remove an animal from a vehicle if the person believes that an emergency exists to preserve the animal's health, safety or welfare.

Sec. 3-29. Transportation of animals in certain trucks or trailers.

- (a) It is unlawful to operate an open bed pickup truck or open flatbed truck, or to tow an open flatbed trailer, in excess of 35 miles per hour on a public street or highway while an animal occupies the bed of the truck or trailer.

- (b) It is a defense to a violation of this section that the animal was secured in a "pet kennel" or other secure enclosure, or otherwise restrained by a harness manufactured for the purpose of restraining an animal by means other than neck restraints which prevents the animal from jumping or falling from the truck or trailer.

Sec. 3-30. Changing the color of certain animals.

It is unlawful to:

- (1) Change the natural color of any fowl or rabbit; or
- (2) Possess for the purpose of sale or give away any fowl or rabbit that has had its natural color changed.

Sec. 3-31. Sale, barter, or giving away of certain animals.

It is unlawful for any person to sell, offer for sale, barter, or give away as toys, premiums, or novelties baby chickens or ducklings, or other fowl under three weeks old, or rabbits under two months old, unless the animal services manager first approves the manner or method of display.

Sec. 3-32. Humane trapping.

- (a) Humane live traps must be used to trap dogs, cats, or small nuisance wildlife within the city.
- (b) Humane live traps may be loaned by animal services to City residents. Animal services may charge a refundable deposit until the trap is returned. Animal services will not place or retrieve traps unless the animal to be trapped is injured, sick, or poses a danger to the public.
- (c) A person who places the trap or a pest control company must check the trap at least once every four hours or every eight hours if the trap is left overnight. An animal may not be kept in a trap for longer than 24 hours.
- (d) A person who places the trap or a pest control company must provide protection from heat, cold, precipitation, and extreme elements of the environment.
- (e) It is unlawful for a person to remove, alter, damage, or tamper with a city-owned humane live trap without the consent of animal services.

Sec 3.33. Community Cat Program.

- (a) To manage the community cat population effectively and humanely within the City a Community Cat Program is hereby established. Any rescue, humane organization, or any person who provides care, including food shelter or medical care to one or more community cats, intending to undertake the responsibilities of community cat caretaker shall provide the City with a written letter of intention containing its address or location, phone number and e-mail address.
- (b) Permitted activities under the Community Cat Program:
 - (1) Trapping of a community cat for purposes of providing necessary veterinary care. Healthy community cats must be released to the location where trapped, unless unsafe to do so.
 - (2) Impoundment of a community cat for the purpose of evaluation by a veterinary professional, vaccination for rabies, sterilization, ear-tipping, and revaccination.

- (3) Reclamation of a sterilized, vaccinated, and ear-tipped community cat without proof of ownership.

Secs. 3-34—3-35. Reserved.

DIVISION 3. DANGEROUS DOGS AND AGGRESSIVE ANIMALS

Sec. 3-36. Dangerous dogs.

- (a) This section applies to the extent it is more stringent than Chapter 822 of the Texas Health and Safety Code.
- (b) In addition to complying with the requirements of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, the owner of a dangerous dog shall, not later than the 30th day after learning that he is the owner of a dangerous dog:
 - (1) Have an unsterilized dangerous dog spayed or neutered at the owner's expense and provide proof to the animal services manager upon registration;
 - (2) Register the dangerous dog with the animal services manager and pay a dangerous dog registration fee;
 - (3) Obtain liability insurance or show financial responsibility in the amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal services manager;
 - (4) Keep the dog restrained at all times by:
 - a. Keeping the dog enclosed within fences or walls that are at least six feet high and approved by animal services;
 - b. Keeping the dog within a fully enclosed cage or pen, or within a building from which the general public is excluded, which is designed and maintained to keep the dog from escaping by leaping, digging or other means;
 - c. Transporting the dog within a fully enclosed vehicle;
 - d. A humane and secure muzzle in a manner that will prevent the dangerous dog from biting any person or animal when taken outside an enclosure; or
 - e. A leash not more than 6 feet in length and in the immediate control of a person when taken outside an enclosure.
 - (5) Owners of a dangerous dog must post on the premises where the dog is kept a sign that a dangerous dog is on the premises. The sign must be plainly visible from each street area adjacent to the premises.
 - (6) Owners transporting a dangerous dog must post a sign stating "Dangerous Dog" in bold font of at least 20 type font, in a window on each side of the vehicle transporting the dangerous dog.

- (7) Owners of a dangerous dog shall annually renew registration of the dangerous dog with animal services and pay an annual dangerous dog renewal registration fee.
 - (8) Maintain, without any lapses or cancellations, liability insurance or show financial responsibility in the amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal services manager annually at the time of registration renewal.
- (c) A dangerous dog not restrained as required by this section is considered to be running at large.

Sec. 3-37. Ownership or custodianship changes of dangerous dogs.

- (a) If the ownership or custodianship of a dangerous dog changes, the name and address of the new owner or custodian must be provided to animal services by the previous owner or custodian of the dog.
- (b) If the new owner or custodian of a dangerous dog resides in the city, animal services must notify the new owner or custodian that:
 - (1) The dog is a dangerous dog;
 - (2) Registration of the dog is not transferable; and
 - (3) The new owner or custodian must comply with the requirements of this division.
- (c) When a person residing in the city becomes the owner or custodian of a dog that has been determined to be a dangerous dog under Section 822.0421 of the Texas Health and Safety Code, the new owner or custodian must register the dog on or before the 14th day after the date of receipt of the dog or the 14th day after the date of receipt of notice from the city that the dog has been previously determined to be a dangerous dog, whichever occurs first.
- (d) If the new owner or custodian of a dangerous dog does not reside in the city, animal services must notify the new owner and the appropriate animal control authority in the area where the dog has been transferred that the dog has been previously determined to be a dangerous dog.

Sec. 3-38. Determination as an aggressive animal, appeal

- (a) Upon notification of an unprovoked dog attack on a person or legally restrained domestic animal that causes serious bodily injury or death, or unprovoked acts that cause a person to reasonably believe that an attack is imminent to themselves or a legally restrained domestic animal, animal services department shall investigate to determine if an animal is aggressive. The determination must be based upon an investigation that includes observation and testimony about the animal's actions at the date of the incident, including the owner's or keeper's control of the animal, and any other relevant evidence determined by the animal services manager or designee. Observations and testimony can be provided by the animal services officer or by other witnesses who personally observed the animal's actions on the date of the incident. Animal service officers or other witnesses shall sign an affidavit attesting to the observed actions on the date of the incident or other evidence collected and detailed in a report by an animal services officer and agree to provide testimony regarding the animal's actions on the date of the incident if necessary.

- (b) The animal services manager shall have discretionary authority to refrain from determining an animal is an aggressive animal, even if the animal engaged in the unprovoked acts specified in the definition of aggressive animal in Section 3-11.
- (c) The animal services manager may seize and impound the animal at the owner's expense pending the investigation and determination of whether the animal is an aggressive animal. The animal services manager shall impound the animal, if the animal services manager cannot, with due diligence locate the owner of the animal that has been seized under this subsection. If the owner of the animal has not been located before the 15th day after seizure and impoundment, the animal will become the sole property of the city and is subject to disposition as the animal services manager deems appropriate.
- (d) At the conclusion of the investigation required by this section, the animal services manager shall:
 - (1) determine that the animal is not aggressive and, if the animal is impounded, may waive any impoundment fees incurred and release the animal to its owner;
 - (2) determine that the animal is aggressive and order the owner to comply with the requirements for ownership of an aggressive animal set forth in Section 3-39 of this article and, if the animal is impounded, release the animal to its owner after compliance with all applicable requirements;
 - (3) If an animal is determined to be an aggressive animal, the animal services manager shall notify the animal owner:
 - a. that the animal has been determined to be an aggressive animal;
 - b. what the owner must do to comply with requirements for ownership of an aggressive animal and to reclaim the animal, if impounded; and
 - c. that the owner has the right to appeal the determination of aggressiveness.
- (e) An impounded animal determined by the animal services manager to be aggressive must remain impounded, or confined at a location approved by the animal services manager, and may not be released to the owner until the owner pays all fees incurred for impoundment of the animal and complies with all requirements for ownership of an aggressive animal set forth in this article.
- (f) If the owner of an impounded animal has not complied with Subsection (e) within 15 days after a final determination is made that an impounded animal is aggressive, the animal will become the sole property of the city and is subject to disposition as the animal services manager deems appropriate.
- (g) If, under this section, the animal services manager determines that an animal is aggressive, that decision is final unless the animal owner files a written appeal with the municipal court within 10 days after receiving notice that the animal has been determined to be aggressive. The appeal is a de novo hearing and is a civil proceeding for the purpose of affirming or reversing the animal services manager's determination of aggressiveness. If the municipal court affirms the animal services manager's determination of aggressiveness, the court shall order that the animal owner comply with the ownership requirements set forth in Section 3-39 of this article. If the municipal court reverses the animal services manager's determination of aggressiveness

and, if the animal is impounded, the court may waive any impoundment fees incurred and release the animal to its owner.

- (h) The owner of the aggressive animal shall renew the registration of the aggressive animal with the animal services manager annually and pay an annual aggressive animal registration fee.
- (i) The owner of an aggressive animal who does not wish to or is unable to comply with the requirements in Section 3-39 shall deliver the animal to the animal services manager not later than the 30th day after learning that the animal is aggressive.
- (j) If, on application of any person, the municipal court finds, after notice and hearing, that the owner of an aggressive animal has failed to comply with Section 3-39 the court shall order the animal services manager seize the animal and shall issue a warrant authorizing that seizure. The authority shall seize the animal and shall provide for the impoundment of the animal in secure and humane conditions. At the conclusion of the hearing, the Court shall:
 - (1) find that the owner was in compliance with subsection (b) of 3-39 and, if the animal is impounded, order the animal services manager to waive any impoundment fees incurred and release the animal to its owner; or
 - (2) find that the owner was not in compliance with subsection (b) of 3-39 and order the animal services manager to seize and impound the animal, if the animal is not already impounded and order the owner to come into compliance with subsection (b) of 3-39 within ten days of that finding, at which point the animal may be released back to the owner upon payment of any impoundment fees incurred; or
 - (3) if, after the period of ten days the owner is still not in compliance with subsection (b) of 3-39, the aggressive animal will become the sole property of the city and is subject to disposition as the animal services manager deems appropriate.
- (k) If a previously determined aggressive animal commits an act described in the definition of aggressive animal in Section 3-11, the animal services manager may seize and impound the aggressive animal at the owner's expense pending a hearing before the municipal court in accordance with this section.
 - (1) Upon receipt of a sworn, written complaint by any person, including the animal services manager, of an incident described in the definition of aggressive animal in Section 3-11 of this article, the municipal court shall conduct a hearing to determine whether an aggressive animal committed the act so described. The hearing must be conducted within 30 days after receipt of the complaint, but if the animal is already impounded, not later than 10 days after the date on which the animal was seized or delivered. The municipal court shall provide, by mail, written notice of the date, time, and location of the hearing to the owner of the aggressive animal and the complainant. Any interested party may present evidence at the hearing.
 - (2) At the conclusion of the hearing, the Court shall:
 - a. find that the aggressive animal did not commit an act described in the definition of aggressive animal in Section 3-11 of this article, and, if the animal is impounded, order the animal services manager to waive any impoundment fees incurred and release the animal to its owner;

- b. find that the aggressive animal did commit an act described in the definition of aggressive animal in Section 3-11 of this article, and order the animal services manager to seize and impound the animal, if the animal is not already impounded, and the aggressive animal will become the sole property of the city and is subject to disposition as the animal services manager deems appropriate.
- (1) The owner of an aggressive animal is responsible for all costs of seizure, acceptance, and impoundment, and all costs must be paid before the animal will be released to the owner.

Sec. 3-39. Requirements for ownership of an aggressive animal; noncompliance.

- (a) Within 15 days of an animal be deemed an aggressive animal, the owner shall:
 - (1) have an unsterilized aggressive animal spayed or neutered at the owner's expense and provide proof to the animal services manager upon registration;
 - (2) register the aggressive animal with the animal services manager and pay an aggressive animal fee;
 - (3) restrain the aggressive animal at all times on a leash in the immediate control of a person or in a secure enclosure;
 - (4) when taken outside the secure enclosure, securely muzzle the animal in a manner that will not cause injury to the animal nor interfere with its vision or respiration. The muzzle must prevent the aggressive animal from biting any person or animal;
 - (5) obtain and maintain, without any lapses or cancellations, liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the aggressive animal causing bodily injury to a person or another animal and provide proof of the required liability insurance coverage or financial responsibility to the animal services manager at the time of registration and annually at the time of registration renewal;
 - (6) have the aggressive animal injected with a microchip implant and registered with a national registry for animals;
 - (7) post a legible sign at each entrance to the enclosure in which the aggressive animal is confined stating "BEWARE AGGRESSIVE ANIMAL."
- (b) The owner of the aggressive animal shall renew the registration of the aggressive animal with the animal services manager annually and pay an annual aggressive animal renewal registration fee.
- (c) The owner of an aggressive animal who does not wish to or is unable to comply with Subsection (a) shall deliver the animal to the animal services manager not later than the 30th day after learning that the animal is aggressive.
- (d) If, on application of any person, the municipal court finds, after notice and hearing, that the owner of an aggressive animal has failed to comply with subsection (a), the court shall order the director seize the animal and shall issue a warrant authorizing that seizure. The authority shall seize the animal and shall provide for the impoundment of the animal in secure and humane conditions. At the conclusion of the hearing, the Court shall:

- (1) find that the owner was in compliance with subsection (a) of 3-39 and, if the animal is impounded, order the animal services manager to waive any impoundment fees incurred and release the animal to its owner; or
 - (2) find that the owner was not in compliance with subsection (a) of 3-39 and order the animal services manager to seize and impound the animal, if the animal is not already impounded and order the owner to come into compliance with subsection (a) of 3-39 within ten days of that finding, at which point the animal may be released back to the owner upon payment of any impoundment fees incurred; or
 - (3) if, after the period of ten days the owner is still not in compliance with subsection (a) of 3-39, the aggressive animal will become the sole property of the city and is subject to disposition as the animal services manager deems appropriate.
- (e) If a previously determined aggressive animal commits an act described in Section 3-11 of this article, the animal services manager may seize and impound the aggressive animal at the owner's expense pending a hearing before the municipal court in accordance with this section.
- (1) Upon receipt of a sworn, written complaint by any person, including the animal services manager, of an incident described in Section 3-11 of this article, the municipal court shall conduct a hearing to determine whether an aggressive animal committed an act described in Section 3-11 of this article. The hearing must be conducted within 30 days after receipt of the complaint, but if the animal is already impounded, not later than 10 days after the date on which the animal was seized or delivered. The municipal court shall provide, by mail, written notice of the date, time, and location of the hearing to the owner of the aggressive animal and the complainant. Any interested party may present evidence at the hearing.
 - (2) At the conclusion of the hearing, the Court shall:
 - a. find that the aggressive animal did not commit an act described in Section 3-11 of this article, and, if the animal is impounded, order the animal services manager to waive any impoundment fees incurred and release the animal to its owner;
 - b. find that the aggressive animal did commit an act described in Section 3-11 of this article, and order the animal services manager to seize and impound the animal, if the animal is not already impounded, and the aggressive animal will become the sole property of the city and is subject to disposition as the animal services manager deems appropriate.
- (f) The owner of an aggressive animal is responsible for all costs of seizure, acceptance, and impoundment, and all costs must be paid before the animal will be released to the owner.

Sec. 3-40. Investigation of bite or scratch incidents.

- (a) Animal bite or scratch incidents that break the skin will be evaluated by animal services utilizing the Dunbar Bite Scale. Bites at level 3 or above will be investigated. It is unlawful for any person to, without the permission of the animal services manager, kill or remove from the city limits any animal that has bitten any person or other animal or that has been placed under quarantine, except when it is necessary to protect the life of any person or other animal.

- (b) Every animal that bites or scratches a human or attacks another animal in an unnatural manner, or has rabies or any other zoonotic disease, or is under suspicion of having rabies or any other zoonotic disease, must be immediately confined by the owner and the owner must promptly notify animal services or an animal services officer of the place where the animal is confined and the reason for the confinement. The owner may not permit the animal to come in contact with any other person or animal.

DIVISION 4. RABIES AND OTHER ZOOONOTIC DISEASES

Sec. 3-41. Designation of local rabies control authority.

The animal services manager is the designated local rabies control authority and has final authority in all rabies investigations.

Sec. 3-42. Vaccination of dogs and cats.

- (a) The owner of a dog or cat must have the animal vaccinated against rabies before the animal reaches four months of age, followed by a rabies vaccine booster within 12 months of the initial vaccination.
- (b) After the animal has been vaccinated as required in subsection (a), the animal must receive a vaccination within:
- (1) Twelve months of the last vaccination if the animal was vaccinated with an annual vaccine; or
 - (2) Thirty-six months of the last vaccination if the animal was vaccinated with a triennial vaccine.
- (c) This section does not prohibit a veterinarian or owner from selecting a more frequent rabies vaccination schedule.
- (d) An owner must provide a current rabies vaccination certificate:
- (1) To an animal services officer or peace officer upon his or her request; or
 - (2) To animal services prior to of an animal after its impoundment.

Sec. 3-43. Animals exposed to other rabid or diseased animals or carcasses.

- (a) The owner of an animal exposed to rabies must immediately confine the animal and promptly notify animal services of the place the animal is confined and the reason for the confinement. The owner may not permit the animal to come in contact with any person or animal.
- (b) An animal exposed to rabies must be:
- (1) Quarantined under veterinary supervision for at least 90 days immediately following exposure if the exposed animal is not currently vaccinated;
 - (2) Immediately revaccinated and quarantined under veterinary supervision for at least 45 days immediately following exposure if the exposed animal is currently vaccinated; or
 - (3) Humanely euthanized, with notification to or under the supervision of animal services.

- (c) It is unlawful for a person to fail or refuse to surrender an animal for supervised quarantine or humane euthanasia, as required for rabies control, when the demand is made by the animal services manager or officers acting under the manager's discretion.
- (d) The animal services manager must direct the disposition of any animal or the carcass of any animal suspected of being rabid or of having a zoonotic disease considered to be a hazard to any human being.

Sec. 3-44. Reserved.

DIVISION 5. IMPOUNDMENT, ADOPTION, AND QUARANTINE

Sec. 3-45. Impoundment of certain animals.

- (a) The following animals are subject to impoundment:
 - (1) An animal treated in a manner determined by the animal services manager or the designee of the animal services manager to be cruel or inhumane;
 - (2) An animal that has bitten, scratched, or viciously attacked a person or another animal, or that needs to be placed under observation for rabies or other zoonotic diseases, as determined by an animal services officer;
 - (3) An animal found running at large; or
 - (4) An animal in violation of any provision of this article.
- (b) If an animal described by this section is found on the premises of any person, the owner or occupant of the premises may confine the animal in a humane manner until the owner or occupant notifies animal services.
- (c) Animal services must take reasonable effort to contact the owner of an animal impounded that is wearing current rabies vaccination tag, identification tag, or is microchipped.
- (d) An owner of an impounded animal may redeem that animal during normal business hours of animal services after presenting a photo ID and:
 - (1) payment of all impoundment fees,
 - (2) payment of fee for a rabies vaccination to be administered by animal services if the owner cannot provide proof of rabies vaccination or a letter from a licensed veterinarian on office stationery dated prior to impoundment stating that the animal was not vaccinated due to health reasons;
 - (3) payment of a fee for a microchip implantation to be administered by animal services unless the animal already has an implanted microchip that is registered to the national database that matches to owner redeeming the animal;
 - (4) payment of a fee for sterilization of an animal unless:
 - a. the animal was spayed or neutered prior to impoundment;
 - b. the animal is under six months of age;
 - c. the animal is redeemed prior to sterilization services provided by the city.

- (e) It is unlawful for a person to fail to pay the impoundment fee(s). If the owner of an impounded animal is not able to pay an impoundment fee under subsection (d), the animal may be released to the owner if the owner:
 - (1) Pays a portion of the fee;
 - (2) Signs an agreement to pay the balance of the fee on specified dates; and
 - (3) Has not defaulted on a prior agreement.
- (f) After the fourth impoundment of an animal in a 12-month period, animal services may petition the municipal court judge for a hearing to determine if the animal is continuing to be a public nuisance. After the hearing, the owner must comply with the order issued by the municipal court judge under this section within 48 hours of the issuance of the order or within the time specified in the court order. If the animal is to be removed from the city, the owner must provide the address to which the animal was moved, to animal services in writing in compliance with the court order. Failure to comply with the court order will result in a warrant being issued for the removal of the animal. During the hearing the municipal judge may order the:
 - (1) Adoption of the animal, except that the animal may not be returned to the location where the animal resided at the time of the nuisance action;
 - (2) Euthanasia of the animal due to health, temperament, or other evidence that euthanasia is the appropriate disposition of the animal;
 - (3) Exclusion from the city limits of the city; or
 - (4) Return of the animal to the owner.
- (g) To prevent further suffering, an animal that is nursing may be immediately humanely euthanized by animal services if:
 - (1) Impounded without the animal's mother or with the animal's mother who is unable to provide nutritious milk; and
 - (2) Animal services is unable, after making a reasonable effort within an age appropriate feeding schedule, to find a suitable foster to bottle feed the animal.
- (h) An impounded animal that appears to be suffering from extreme injury or illness may be humanely euthanized or given to an animal rescue group for the purpose of veterinary medical care, as determined by the animal services manager.
- (i) An animal will become the city's property and will be subject to disposition as the animal services management deems appropriate, including adoption, transfer to an animal rescue group, or humane euthanasia if the animal is not reclaimed by the owner after being held by animal services for:
 - (1) Seventy-two hours when the animal does not have identification or current vaccination tag; or
 - (2) One hundred twenty hours when the animal has identification or current vaccination tag.
- (j) Any person reclaiming or adopting any animal under the provisions of this section will be liable for any applicable fees.

(k) Liability of owners of impounded animals.

- (1) The owner of an animal impounded remains subject to prosecution for violation of this chapter regardless of reclamation or non-reclamation of the animal.
- (2) The owner of an impounded animal remains liable for the fees incident to impoundment, regardless of reclamation or non-reclamation of the animal.

Sec. 3-46. Adoption of dogs and cats.

(a) A person may adopt an animal from animal services if:

- (1) The animal has been classified as adoptable by the animal services manager or their designee;
- (2) The prospective owner has proper facilities to contain and care for the animal including food, shelter and veterinary care; and
- (3) The prospective owner agrees to have the animal sterilized in accordance with Chapter 828 of the Texas Health and Safety Code, if not already sterilized at the time of adoption.

(b) The animal services officer may refuse to allow a person to adopt an animal if the officer has reason to believe the person:

- (1) Would not have proper facilities to contain and care for the animal as required by this article; or
- (2) Wants the animal for resale or a purpose other than pet ownership.

(c) If an adopted animal is lost, stolen, given away, or dies, the adopting owner must notify animal services in writing within seven days of the incident if prior to the sterilization date.

(d) It is unlawful for a prospective owner to fail to have the animal sterilized and provide proof of sterilization to animal services within 30 days of adoption of an adult animal or within 30 days of the specified date estimated to be the date an adopted animal becomes four months old.

- (1) The animal services manager may extend the time periods in this subsection to accommodate scheduling with the local veterinary hospital with which the city contracts. This subsection applies to the extent it is more stringent than Chapter 828 of the Texas Health and Safety Code.

Sec. 3-47. Quarantine.

(a) An animal services officer may order the quarantine of an animal involved in an incident resulting in bites or scratches that break the skin of any person or animal, or an animal suspected of having any zoonotic disease to be a hazard to the human or animal population.

(b) If an animal services officer or the animal services manager orders quarantine other than in a veterinary hospital, the owner is responsible for confining the animal and must comply with written procedures regarding the quarantine as provided to the owner by the animal services officer. The owner must be required to obtain the same veterinary supervision of the animal and release from quarantine as would be required under a supervised quarantine. The owner must pay all fees and expenses incurred as a result of the quarantine prior to release of the animal.

- (c) The owner must surrender possession of the animal to animal services on demand for supervised quarantine. Supervised quarantine must be at a veterinary hospital or by any other method of adequate confinement approved by the animal services manager. The quarantine must be at least ten days and under the supervision of a licensed veterinarian, who must submit to animal services reports on the quarantined animal's physical condition on the first, fifth and 10th days immediately following the date of bite incidents or any of the other above-enumerated purposes for quarantine. A release from quarantine must be issued if no signs of rabies or other diseases have been observed during the quarantine period.
- (d) A violation of quarantine by any person is just cause for seizure and impoundment of the quarantined animal by animal services. It is unlawful for any person to interrupt the observation period of any animal for any reason.
- (e) A person having possession of a quarantined animal must immediately notify animal services if the animal escapes, becomes sick, or dies. An animal that dies while under quarantine must be immediately surrendered to animal services.
- (f) An animal under quarantine for rabies must receive a rabies vaccination before the animal's release from quarantine if the animal does not have a current vaccination certificate.

Sec. 3-48. Disposition of cruelly treated animals.

Sections 3-45 and 3-46 do not apply to an animal impounded under Subchapter B, Chapter 821 of the Texas Health and Safety Code.

Secs. 3-49-- 3-50. Reserved.

DIVISION 6. ENFORCEMENT

Sec. 3-51. Offenses and penalty.

- (a) *Offenses.* In addition to other prohibited acts or failure to act declared to be unlawful under this article, it is unlawful for:
 - (1) Any person to violate a provision of this article or prevent, obstruct or interfere with an animal services officer or city-employed law enforcement officer in the performance of the officer's duties.
 - (2) Any person to make a false report of a violation of this article or federal, state or local law related to the regulation of animals.
 - (3) A person to give false information to an animal services officer or city-employed law enforcement officer who is in the lawful discharge of his or her duties under this article or under federal, state or local laws.
- (b) *Separate Offense.* Each 24-hour period of violation, and each separate animal or condition in violation of this article, constitutes a separate offense.
- (c) *Notice to appear.* Any person violating a provision of this article by committing a prohibited act or by failing to commit a required act may be issued a notice to appear or summons to appear in municipal court for such violation.

- (d) *Penalty.* Except as otherwise provided in this article, a person violating any provision of this article will, upon conviction, be punished as provided in section 1-9 of this Code.
- (e) *Warrant.* The animal services manager shall be authorized to obtain a search and seizure warrant for any provision in this chapter that authorizes the seizure and impoundment of an animal including dangerous dog, aggressive animal, and rabies control provisions.

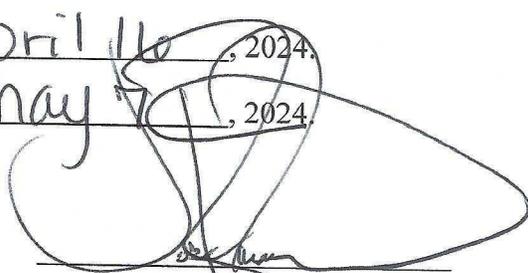
Secs. 3-52—3-60. Reserved.

Section 4. That any person found guilty of violating this ordinance will be fined not more than \$500.00 for each offense. Notice of the enactment of this ordinance will be given by publishing the ordinance or its descriptive caption and penalty in the City's official newspaper one time within thirty days of passage.

Section 5. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of the ordinance.

APPROVED on first consideration on April 16, 2024.

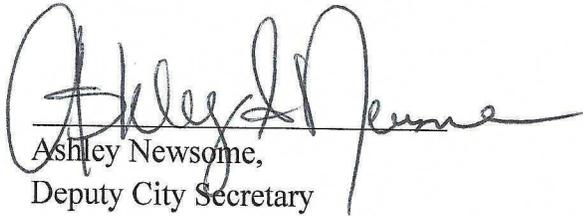
ADOPTED on second consideration on May 7, 2024.



Joe R. Zimmerman, Mayor

ATTEST:

APPROVED AS TO FORM:



Ashley Newsome,
Deputy City Secretary



City Council Agenda Request

MAY 7, 2024

AGENDA REQUEST NO: III.A.

AGENDA OF: City Council Meeting

INITIATED BY: *Jennifer Brown, Director of Special Projects*

PRESENTED BY: *Cindy King, Animal Services Manager*

RESPONSIBLE DEPARTMENT: Animal Services

AGENDA CAPTION:

SECOND CONSIDERATION: Consideration of and action on CITY OF SUGAR LAND ORDINANCE NO. 2330: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING CHAPTER 2, ARTICLE 5, DIVISION 4 OF THE CODE OF ORDINANCES TO ADD A DANGEROUS DOG RENEWAL FEE, AN AGGRESSIVE DOG FEE AND A STERILIZATION FEE, AMENDING CHAPTER 3, ARTICLE 2 OF THE CODE OF ORDINANCES BY REVISING THE DANGEROUS DOG PROVISIONS, BY ESTABLISHING A COMMUNITY CAT PROGRAM, AND OTHER AMENDMENTS RELATED THERETO.

RECOMMENDED ACTION:

Consideration and approval of First Reading of Ordinance No. 2330, establishing a community cat program, adding dangerous dog renewal fee, adding aggressive animal provisions, and adding associated fees and penalties.

EXECUTIVE SUMMARY:

Ordinance No. 2330 covers several areas related to Animal Services, which are summarized below.

Community Cat Program

The City has been conducting a pilot program for TNVR (trap-neuter-vaccinate-return) for the cat colony at First Colony Mall. This is also known as a Community Cat Program. In the last year, 37 cats/kittens have been trapped, with 18 cats spayed/neutered, vaccinated and returned to the mall. Of the remaining kittens, 13 were adopted and 5 transferred to other rescues.

With the pilot program's success, several areas of the City with community cat colonies could benefit from this program. Rescues, organizations, or individuals register with the City and then trap the cats and deliver them to contracted veterinary clinic for evaluation, vaccination, surgery, and ear-tipping. Caretakers of the colonies are not considered owners of the cats that they care for. An ear-tip is the universal sign that a community cat has been spayed or neutered. The cats are then picked up from the vet by the caretaker and returned to their colony after recovery.

Provisions for Animal Care

This Ordinance clarifies the requirements for provisions to animals:

A structurally sound shelter that is designed for the species of the animal and contains sufficient space for the animal to turn about freely and easily sit, stand or lie in a comfortable, natural position; protects the animal from injury and inclement weather; and is regularly cleaned to prevent the accumulation of waste and other dangers that may threaten the health and safety of the animal.

The animal must have sufficient food that is free from contamination and of sufficient quality and nutritive value to maintain the animal in good health; sufficient clean, fresh water; and veterinary care when needed to prevent suffering.

maintain in good health, sufficient food, fresh water, and veterinary care when needed to prevent suffering.

The Ordinance adds more explanation to the acceptable restraints and conditions that may be used for a dog to be left outside unattended, which is consistent with Health & Safety Code 821.

An owner or custodian may not leave a dog outside and unattended by use of a restraint unless the owner or custodian provides the dog access to: adequate shelter; an area that allows the dog to avoid standing water and exposure to excessive animal waste; shade from direct sunlight (a doghouse is not adequate shade); and constant access to potable water.

An owner may not restrain a dog outside and unattended by use of a restraint that: is a chain; has weights attached; is shorter in length than the greater of five times the length of the dog or 10 feet; or is attached to a pinch, prong, or choke collar or any ill-fitting collar or harness.

Dangerous Dogs and Aggressive Animals

The Ordinance replaces language for vicious animals with aggressive animal language, distinguishes between dangerous dogs and aggressive animals, and establishes a process for having an animal declared as an aggressive animal. Establishes requirements for owning an aggressive dog.

An aggressive animal is an animal that on at least one occasion and while not legally restrained, the animal injured or killed a person or legally restrained domestic animal or livestock, or committed unprovoked acts that would cause a person to reasonably believe that an attack is imminent to themselves or a legally restrained domestic animal or livestock in their control.

A dangerous dog means a dog that makes an unprovoked attack on a person 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.

The Ordinance establishes a renewal fee for a dangerous dog, as well as a registration and renewal fee for aggressive dogs.

Section 3-38 has been rewritten to address the determination as an aggressive animal and an appeal process. Section 3-39 establishes requirements for ownership of an aggressive animal, and penalties for noncompliance.

Impounded Animals

Animals impounded by the City as subject to the following, at the owners cost, in addition to impoundment fees, if proof of current status cannot be provided. Rabies vaccination, microchip implantation, and sterilization if the animal is over 6 months of age and not already sterilized.

Penalties

The Ordinance establishes a maximum \$500 fine per offense for any person found guilty of violating the Ordinance. Since fines are being established, the City must publish the descriptive caption in the city's official newspaper one time within 30 days of passage.

Animal Advisory Board

The Animal Advisory Board met in a special meeting on March 22, 2024 to finalize recommended revisions to the Ordinance. The board unanimously recommends the Ordinance to City Council for consideration and approval.

Recommendation

Staff recommends approval of first reading and passage to second reading of Ordinance No. 2330. Upon approval of first reading, second reading will be placed on the April 16, 2024 agenda.

BUDGET

EXPENDITURE REQUIRED:

CURRENT BUDGET:

ADDITIONAL FUNDING:

FUNDING SOURCE:

ACCOUNT NUMBER (ORG-OBJ-PROJECT):

ATTACHMENTS:

Description	Type
☐ Ordinance No. 2330	Ordinances