

ARTICLE I. IN GENERAL

Sec. 5-1. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

Abandoned animal shall mean any animal that has not been provided with one or more of the necessities of life including air, food, water, veterinary care, exercise, or protection from the sun and other elements of nature for twenty-four (24) hours.

Animal shall mean any living vertebrate or invertebrate, domestic or wild, not including man.

Animal control facility shall mean the facility operated by the city for the impounding of dogs and other animals.

Animal control officer shall mean a person designated by the state, or the city, who is qualified to perform such duties under the laws of this state and the ordinances of the city.

Animal licensing shall mean the annual assignment by the director of public health of a number to each animal for whom the appropriate fee has been paid and who has been vaccinated with antirabies vaccine in the year for which the animal license has been issued.

Animal nuisance shall mean a public nuisance created within the corporate limits of the city by the following acts or omissions of animal owners:

(1) The keeping of an animal in such a manner whereby the animal is free of restraint to roam or run at large at will;

(2) The keeping of an animal which barks or whines in such a manner, with such intensity, or with such continued duration, so as to annoy, distress or disturb the quiet comfort or repose of persons of normal nervous sensibilities within the vicinity of hearing thereof;

(3) The refusal or failure of an animal owner or keeper to prevent his animal from biting or injuring without provocation, any animal or person.

(4) The keeping of an animal which has a propensity to damage or destroy public property or a person other than its owner's private property;

(5) The keeping of more than a total of three (3) cats and/or ferrets. If securely confined within a structure, up to ten (10) cats and/or ferrets may be kept.

(6) The keeping of, or the permitting of others to routinely provide food or shelter for more than five (5) dogs or any member of the *Canis familiaris* on any property in the city other than (a) at a dog kennel, (b) at a veterinary facility, (c) at a pet shop (d) at any place not zoned residential for a period not exceeding seven (7) days. If all the subject dogs are registered for competition in a dog show open to the public during the said seven (7) days, the legal limit of five (5) dogs shall not apply. THE FOLLOWING ARE EXCEPTIONS TO THE DEFINITION ON ANIMAL NUISANCE:

a. Up to seven (7) dogs may be kept on premises containing between ten thousand (10,000) square feet and one-half acre of land, if the dogs are enclosed by fencing located seventy-five (75) feet or more from any dwelling or business building owned or occupied by any person other than the owner.

b. Up to ten (10) dogs may be kept on premises containing one-half acre to two (2) acres of land, if the dogs are enclosed by fencing located at least one hundred fifty (150) feet from any dwelling or business building owned or occupied by any person other than the owner.

c. Up to fifteen (15) dogs may be kept on premises containing more than two (2) acres of land, if the dogs are enclosed by fencing at least one hundred fifty (150) feet from any dwelling or business building owned or occupied by any person other than the owner.

d. The number of dogs permitted under subparagraphs a. through c. may be doubled if the animals are kept within a completely enclosed structure at least one hundred fifty (150) feet from any business building or dwelling owned or occupied by any person other than the owner.

e. The limit on the number of dogs and cats permitted shall not include pups and kittens of a litter until they are four (4) months old first.

Animal nuisance per se shall mean a public nuisance created by the keeping, frequent feeding or harboring of any poisonous or inherently dangerous or prohibited animal.

Cattery shall mean any place other than a veterinary hospital where the property owner, tenant, or occupant keeps or allows others to keep or board any domestic cat or domestic ferret for longer than twelve (12) hours, for a fee or donation or non-monetary reward.

Confined shall mean a situation by which an animal is effectively prevented from being free to roam or run at large at will.

Dangerous animal shall mean any animal who meets any or all of the following criteria:

- (a) An animal which by species or nature is vicious or dangerous to man.
- (b) An animal that has bitten two (2) or more people or one person on two (2) or more occasions.
- (c) An animal that has killed a person or another pet or livestock animal.
- (d) An animal that has attacked a human being and the nature of the attack or the resulting injury was such as might endanger the life or permanent health of the human.

Dog shall mean any member of *Canis familiaris* or any combination of *Canis familiaris* and other canine species including both genders.

Domestic dog shall mean a member of *Canis familiaris* which is not a hybrid of *Canis familiaris* and another canine species.

Dog license tag shall mean a metal tag of the design prescribed by the director of public health issued for the current calendar year and bearing the dog's city animal license number issued in the current year.

Domestic animal shall mean any animal which is not livestock, not prohibited, and commonly kept as pets at the owner's residence, including but not limited to domestic dogs, domestic cats, rabbits, and poultry.

Domestic cat shall mean any member of *Felis domesticus*.

Domestic fowl shall mean birds of a breed developed or kept for the purpose of meat production, egg laying or purely for ornament or show, including but not limited to ducks, geese, chickens, turkeys, partridges, parakeets and pigeons.

Impound shall mean the placing of an animal in the city's animal control facility, or, the taking into custody of an animal for purposes of transportation to the city's animal control facility.

Kennel shall mean any place other than a veterinary hospital, where the property owner, tenant, or occupant keeps or allows others to keep or board any dog for longer than twelve (12) hours for a fee or donation or non-monetary reward.

Nondomestic animal shall mean and includes all animals other than domestic cats and dogs, domestic ferrets, livestock, rabbits and domestic fowl.

Nondomestic animal permit shall mean a permit required for the keeping of certain animals within the corporate limits of the city which may be issued by the director of public health under the terms and conditions set forth in section 5-8.

Owner of an animal shall mean the person or the legal guardian of the person who feeds or harbors the subject animal for more than seventy-two (72) hours without the presence of that subject animal being recorded in the records of the control division of the health department as a stray animal. Persons caring for an animal at the specific request of an owner are not included in the definition of owner, but are required to keep the animal in compliance with this Code.

Performing animal exhibition shall mean any spectacle, display, act or event, other than circuses and rodeos, in which performing animals are used.

Pet shall mean any animal kept for pleasure or enjoyment, rather than utility or commercial purposes.

Pet shop shall mean a business establishment, whether licensed or not by the city health department, where two (2) or more species of animals including, dogs, cats, fish, birds, reptiles, or rodents are kept for sale or commercial barter.

Poultry shall mean any domestic fowl, including but not limited to geese, pheasants, chickens, prairie chickens, peacocks, guineas, ducks and turkeys, as well as quail, doves and other normally undomesticated fowl that are being raised for food or for sale.

Quarantine shall mean the detention or isolation of an animal suspected of carrying an infectious or contagious disease.

Prohibited animals shall mean:

- A. Any ape or other non-human primate;
- B. Any member of the genus *Canis* including wolf, hybrid wolf, coyote, jackal or fox, and similar species except *Canis familiaris*;
- C. Any member of the genus *Felis* including leopard, lion, panther, tiger, lynx, bobcat, cheetah, ocelot, margay, jaguarundi, and any similar species except *Felis domesticus*;
- D. Mustelids, other than the domestic ferret (*Mustela putorius furo*);
- E. Skunk;
- F. Any poisonous reptile or venomous species except bees;
- G. Crocodile, alligator, caiman or related species;
- H. Miniature Vietnamese pot-bellied pig;
- I. Ostrich or any other Ratites;
- J. Bear; and
- K. Except for the small mammals permitted to be raised by "rodent breeders," all other mammals that live in a natural state of undomesticated freedom including the opossum, raccoon, armadillo and squirrel.

Rabies vaccination shall mean a protective inoculation by a licensed veterinarian with a rabies vaccine recognized and approved by the United States Department of Agriculture, Bureau of Animal Industry, given in an amount sufficient to provide an immunity that satisfies the requirement of state law.

Restraint shall mean that situation whereby an animal is secured by a leash or a lead, or is under the effective control of a responsible person and obedient to that person's commands, or is confined within the real property of its owner.

Responsible person shall mean a person to whose commands an animal in question is obedient, and who is capable of controlling the animal if the animal should fail to obey such commands.

Rodent breeder shall mean any person that breeds and/or engages in the feeding or care of more than fifteen (15) adult mammals (other than dogs and cats) that do not normally exceed fifteen (15) pounds at maturity, including white rats, gerbils, guinea pigs, chinchillas, and hamsters.

Run at large shall mean to be free of restraint while outside the boundaries of the real property of the owner.

Stray animals shall mean any animal not under restraint.

Vaccination certificate shall mean a document showing on its face that the animal described thereon has received a current inoculation of rabies vaccine in an amount sufficient to produce an immunity that satisfies the requirement of state law, inscribed with the date of the inoculation, the duration of immunity approved for that vaccine, the name and address of the animal's owner, all other information required by state law and signed by a licensed veterinarian.

Veterinarian shall mean a person licensed to practice veterinary medicine in the State of Texas.

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

Vicious animal shall mean an animal which habitually or repeatedly without provocation chases, snaps at, attacks or bites any person or domestic animal.

Wild animal shall mean any nonhuman primate, raccoon, skunk, fox, wolf, leopard, panther, tiger, lion, lynx, bobcat, or other warm-blooded animals, or any poisonous or dangerous snake which can be found in the wild state.

Zoological park shall mean any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of nondomesticated animals operated by a person or government agency.

(Code 1950, § 5-19; Ord. No. 16116, § 1, 9-27-51; Ord. No. 18668, 12-31-52; Code 1959, § 6-1; Ord. No. 33971, §§ 1, 2, 12-30-65; Ord. No. 41165, § 2, 9-7-72; Ord. No. 49692, § 1, 8-17-78; Ord. No. 50987, § 1, 7-12-79; Ord. No. 53335, § 1, 1-29-81; Ord. No. 55069, §§ 1--5, 3-11-82; Ord. No. 65067, § 1, 5-21-87; Ord. No. 79180, § 1, 11-18-93; Ord. No. 85353, § 3, 12-19-96; Ord. No. 85908, §§ 2--5, 4-17-97; Ord. No. 98236, § 1, 9-25-03)

Sec. 5-2. Animal control facility; erection, maintenance, care of animals therein; euthanasia service.

(a) There shall be erected and maintained, under the supervision of the director of public health, a suitable building and kennels, to be known as the animal control facility, for the confinement of all animals seized, impounded or surrendered pursuant to the provisions of this chapter. The animal control facility shall be kept in a sanitary condition, and all animals taken up and impounded therein shall be properly fed and watered while confined in such buildings and kennels, and shall be treated in a humane manner while so confined.

(b) The animal control facility will provide free euthanasia of dogs, cats, and other small animals upon the signed request of an owner who resides within the city limits of San Antonio, Texas, and residents of unincorporated Bexar County as long as the city and county maintain a joint animal control program through contractual agreement.

(Code 1950, § 5-21; Ord. No. 18663, 12-31-52; Code 1959, § 6-24; Ord. No. 41165, § 5, 9-7-72; Ord. No. 49692, § 28, 8-17-78; Ord. No. 50987, § 5, 7-12-79; Ord. No. 79180, § 1, 11-18-93)

State law references: Requirements for animal shelters, Vernon's Ann. Civ. St. art. 4477--6b.

Sec. 5-3. Prohibiting sale, etc., of baby chicks, ducklings or other fowl less than three weeks old.

(a) It shall be unlawful for any person, within thirty (30) days prior to Easter Sunday and on Easter Sunday, to sell or offer for sale, barter, lease, rent or give away on the condition that some other item is purchased, bartered, leased, or rented, any baby chicks, ducklings, other fowl, or rabbits less than eight (8) weeks old as pets or novelties; provided, however, that this ordinance shall not be construed as to prohibit the sale or display of such baby chicks, ducklings, or other fowl in proper brooder facilities of hatcheries or to prohibit the sale or display of such baby chicks, ducklings, or other fowl in stores engaged in the business of selling the same to be raised for commercial purposes.

(b) It shall be unlawful to color, dye, stain, or otherwise change the natural color of any baby chicks, ducklings, or other fowl or to possess for the purpose of sale any baby chicks, ducklings, or other fowl which have been so colored.

(Ord. No. 59025, §§ 1, 2, 7-12-84; Ord. No. 79180, § 1, 11-18-93)

Sec. 5-4. Poultry.

(a) It shall be unlawful to keep or maintain any poultry on any premises within the city, provided that:

(1) Not more than five (5) poultry may be kept on a single lot if they are confined within a pen which is not less than twenty (20) feet from any business building or dwelling owned or occupied by any person other than the owner.

(2) Not more than twelve (12) poultry may be kept on a single lot if they are confined within a pen which is not less than fifty (50) feet from any business building or dwelling owned or occupied by any person other than the owner.

(3) Not more than fifty (50) poultry may be kept on any premises containing not less than one-half acre of ground if such poultry are contained in a pen at least one hundred fifty (150) feet from any business building or dwelling owned or occupied by any person other than the owner.

(b) The provisions of this section do not apply to commercial operations or farms operated in accordance with the provisions of chapter 35.

(c) The keeping of more than the above maximum numbers of poultry is hereby declared to be an animal nuisance, and may be summarily abated by the director of health or his appointed animal control officers by seizing any unlawfully kept number of poultry and either euthanizing them or releasing them to any person offering to lawfully keep and care for them.

(Code 1959, § 6-16.3; Ord. No. 33971, § 9, 12-30-65; Ord. No. 34403, §§ 1, 2, 5-26-66; Ord. No. 79180, § 1, 11-18-93)

Sec. 5-5. Parakeets.

It shall be unlawful to keep or maintain more than ten (10) parakeets on any premises within the city, provided that:

(1) Not more than two hundred (200) parakeets may be kept in an aviary if it is located at least twenty-five (25) feet from any dwelling or business building owned or occupied by any person other than the owner;

(2) Not more than three hundred (300) parakeets may be kept in an aviary if it is located at least fifty (50) feet from any dwelling or business building owned or occupied by any person other than the owner;

(3) Any number may be kept in an aviary if it is located at least one hundred (100) feet from any business building or dwelling owned or occupied by any person other than the owner.

(Code 1959, § 6-16.4; Ord. No. 33971, § 9, 12-30-65)

Sec. 5-6. Pigeons.

(a) It shall be unlawful to keep or maintain pigeons within the city, provided that:

(1) Not more than ten (10) pigeons may be kept on premises if they are confined in a pen located not less than twenty (20) feet from any business building or dwelling owned or occupied by any person other than the owner;

(2) Not more than fifty (50) pigeons may be kept on premises if they are confined in a pen located not less than thirty-five (35) feet from any business building or dwelling owned or occupied by any person other than the owner;

(3) Not more than one hundred (100) pigeons may be kept on premises if they are confined in a pen located not less than fifty (50) feet from any business building or dwelling owned or occupied by any person other than the owner;

(4) Not more than one hundred fifty (150) pigeons may be kept on premises in the city if they are confined in a structure that is located not less than one hundred (100) feet from any business building or dwelling owned or occupied by any person other than the owner;

(5) Any number of pigeons may be kept on premises if the structure in which they are contained is not less than one hundred fifty (150) feet from any business building or dwelling owned or occupied by any person other than the owner.

(b) Pigeons must be confined within the structure on the premises at all times except homing pigeons which may be released for training and racing purposes.

(Code 1959, § 6-16.5; Ord. No. 33971, § 9, 12-30-65)

Sec. 5-7. Rabbits or combination of rabbits and poultry.

It shall be unlawful to keep or maintain any rabbits on any premises within the city, provided that:

(1) Not more than ten (10) rabbits, or a combination of not more than ten (10) rabbits and poultry, may be kept on a single lot if they are confined within a pen which is not less than twenty (20) feet from any business building or dwelling owned or occupied by any person other than the owner of the rabbits.

(2) Not more than twenty-five (25) rabbits, or a combination of not more than twenty-five (25) rabbits and poultry, may be kept on a single lot if they are confined within a pen which is not less than fifty (50) feet from any business building or dwelling owned or occupied by any person other than the owner of the rabbits.

(3) Not more than one hundred (100) rabbits, or a combination of not more than one hundred (100) rabbits and poultry, may be kept on any premises containing not less than one-half acre of ground if they are contained in a pen at least one hundred fifty (150) feet from any business building or dwelling owned or occupied by any person other than the owner of the rabbits.

(Code 1959, § 6-16.3.1; Ord. No. 58386, § 1, 3-1-84)

Sec. 5-8. Rodent breeder license; fees.

(a) *License required.* No person shall be a "rodent breeder" as defined in this chapter without first obtaining a license from the director of health. Such permits shall be issued taking into consideration the type of building construction, the regulatory compliance history of the license applicant as it relates to sanitation, health and welfare of the animals housed, and compliance with animal related zoning requirements.

(b) *License fees.* A license application fee of fifteen dollars (\$15.00) shall be required for each location where such animals are housed or kept, whether for a hobby or for commercial purpose.

(Ord. No. 79180, § 1, 11-18-93)

Editor's note: Ord. No. 79180, § 1, repealed former § 5-8, relative to nondomestic animal permits, and enacted a new § 5-8 to read as herein set out. The provisions of former § 5-8 derived from Code 1959, § 6-3; Ord. No. 50987, § 2, adopted July 12, 1979 and Ord. No. 55069, § 6, adopted March 11, 1982.

Sec. 5-9. Non-poisonous snakes.

Any owner, caretaker, or other person who keeps any non-poisonous snake over three (3) feet and/or fifteen (15) pounds, in addition to complying with all federal and state laws, regulations and permit regulations affecting such snake shall:

(a) Keep the snake at all times in a cage or enclosure of such size and construction and in a manner as to preclude the possibility of escape. Such enclosure shall be of such size as to permit the snake reasonable freedom of movement;

(b) Maintain enclosures and cages in a clean and sanitary manner at all times;

(c) Provide the snake with adequate food, water, shelter, and veterinary care;

(d) Keep the snake in such a manner so as not to threaten or annoy any person of normal sensitivity;

(e) Prevent unauthorized access to the snake through adequate safeguards;

(f) Make the snake facilities and equipment available for inspection upon request by the animal control veterinarian;

(g) Use only escape proof enclosures when transporting the snake.

All snakes shall be kept in compliance with the above requirements in (d), (e), and (f).

(Ord. No. 79180, § 1, 11-18-93)

Editor's note: Ord. No. 79180, § 1, repealed former § 5-9, relative to domestic animal permits, and enacted a new § 5-9 to read as herein set out. The provisions of former § 5-9 derived from Ord. No. 16116, § 2(A), adopted Sept. 27, 1951; Code 1959, § 6-8; and Ord. No. 33971, § 3, adopted Dec. 30, 1965.

Sec. 5-10. Permit required for circus, rodeo, animal exhibit and animal show; special exceptions for institutions and special attractions.

(a) Any operator of a circus, rodeo, animal exhibit, or entertainment show, or other persons desiring to bring any non-aquatic mammal into the city to use in a circus, rodeo, animal exhibit or animal show other than a dog show or a cat show, shall first submit a written request to the animal control veterinarian for a permit and pay a permit application fee of seventy-five dollars (\$75.00) to cover the cost of inspecting the facility where the animal(s) will be kept during the event, which may be for any number of consecutive days. The permit application shall be submitted at least twenty (20) days prior to the event, and shall contain information as to the kind and number of animals involved, the reason for bringing the animal(s) to the city, and the name and address of the person or business that will keep, feed, and confine the animal(s) during their stay in the city.

(b) A permit shall not be required for any animal so long as it is kept in a governmentally owned and operated facility, public operated facility, public zoological park, or bona fide medical institution or research institution.

(c) A prohibited animal brought into the city for entertainment purposes which is not approved by the animal control veterinarian, upon the order of the animal control veterinarian or his designee, will be immediately removed from the city. If not so removed expeditiously, an animal control officer shall seize such animal if he has reason to believe the animal is not being properly fed, housed, or cared for, or is not being safely and securely confined for public safety.

(d) Animals used within the city for entertainment purposes such as rodeos and circuses must be provided with all the necessities of life including air, food, water, veterinary care, exercise, and protection from the sun and other elements of nature. A licensed veterinarian must be in attendance at all such functions. Once determined to be injured or ill by a licensed veterinarian, an animal may be returned to use only after certification as healthy by a licensed veterinarian.

(Code 1959, § 6-3.1; Ord. No. 49692, § 38, 8-17-78; Ord. No. 50987, § 3, 7-12-79; Ord. No. 79180, § 1, 11-18-93; Ord. No. 90494, §§ 1, 2, 9-16-99)

Sec. 5-11. Applicability of permits, certain other requirements to newly annexed territory.

(a) The additional requirements provided in sections 5-3 through 5-6 and the requirement of a permit shall not apply to areas newly annexed to the city for a period of two (2) years after such annexations are in effect in order that persons located in such areas may conform to the requirements without economic hardship.

(b) The keeping by an owner of newborn offspring of livestock authorized in this chapter or kept under a permit issued pursuant to article II for a period of three (3) months shall not constitute a violation although such increase results in a number of livestock in excess of the maximum otherwise permitted; provided that a period of six (6) months shall be permitted for newborn offspring of equines, bovines, goats, sheep, dogs or cats.

(Code 1959, § 6-16.6; Ord. No. 33971, § 9, 12-30-65)

Sec. 5-12. Cruelty to animals.

(a) It shall be unlawful for any person to wound or kill any cattle, horses, sheep, swine or goats of any description, whether wild or domestic, in any of the public parks within the city.

(b) It shall be unlawful for an owner of an animal to fail to provide that animal with humane care and treatment, with access to an adequate supply of fresh water, and with appropriate veterinary care when needed to prevent suffering.

(c) It shall be unlawful for a person to beat, cruelly treat, overload or otherwise abuse an animal.

(d) It shall be unlawful for the owner of an animal, or a person charged with custody or care of an animal to allow such animal's ears to be cropped, except when done by a licensed veterinarian.

(e) It shall be unlawful for any person to display, give away or offer to give away any live animal as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade; provided, however, that this paragraph shall not apply to any person who has obtained a proper permit, and is complying with the specific limitations as set forth by this permit, pursuant to section 5-10, or to those not required to obtain a permit under section 5-10 subsection (b), or to any person who is a registered participant in a dog show or cat show that is sponsored by an official breeder's association, dog club, or cat club and shall not apply to any tax-exempt non-profit organization which gives away or offers to give away an animal at a charitable event for the purpose of charitable fundraising and which has received prior written approval for such activity from the chief of animal care services.

(f) It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or display for a commercial purpose any animal on any roadside, public right-of-way, commercial parking lot, or at any flea market or festival, provided, however, that this paragraph shall not apply to any tax-exempt non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals, and shall not apply to any tax-exempt non-profit organization which offers for sale or auction an animal for the purpose of charitable fundraising and which has received prior written approval for such sale or auction from the chief of animal care services, and shall not apply to any person who has obtained a proper permit, and is complying with the specific limitations as set forth by this permit, pursuant to section 5-10, and shall not apply to those not required to obtain a permit under section 5-10 subsection (b).

(Ord. No. 96563, § 1, 10-10-02)

Editor's note: Ord. No. 96563, § 1, adopted October 10, 2002, amended § 5-12 in its entirety to read as herein set out. Formerly, § 5-12 pertained to killing or wounding animals, fowl, and derived from the Code of 1950, § 5-17 and the Code of 1959, § 6-4.

Sec. 5-13. Abandoning animals.

It is unlawful for any person to abandon an animal within the city limits. The director of health may order the seizure and impoundment of any abandoned animal as defined in this chapter. Disposition of said seized and impounded abandoned animals shall be in accordance with sections 5-206, 5-207, and 5-208 of this Code.

(Code 1959, § 6-5; Ord. No. 49692, § 32, 8-17-78; Ord. No. 65067, § 3, 5-21-87)

State law references: Cruelty to animals, V.T.C.A., Penal Code, § 42.11.

Sec. 5-14. Reports of motor vehicles striking domestic animals.

Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall at once report the accident to the police department.

(Code 1959, § 6-6; Ord. No. 49692, § 33, 8-17-78)

Sec. 5-15. Exposing animals to poisonous substances.

No person shall expose any known poisonous substance, whether mixed with food or not, so that the same may be attractive to any warm-blooded animal or human; provided it shall not be unlawful for a person to expose, on his own property, common rat poison mixed only with vegetable substances. It shall be sufficient to constitute a violation under this section that the poisonous substance was attractively exposed by such person in such a manner that the same may have been eaten, or was in fact eaten, by any warm blooded animal or human; no intent or further culpable mental state shall be required to prove a prima facie violation.

(Code 1959, § 6-7; Ord. No. 49692, § 34, 8-17-78)

Sec. 5-16. Chemical traps prohibited.

The use of any type of cyanide pellet traps or any similar type of trap containing a chemical noxious to man is hereby prohibited within the corporate limits of the city,

unless the use of such chemical is specifically deemed necessary by the director of public health in or for the control of communicable disease. It shall be a prima facie violation of this section that the chemical traps proscribed in this section were, in fact, set up by the person in question, or were allowed to be set up by the person in question; no intent or further culpable mental state shall be required to prove such a prima facie violation.

(Code 1959, § 6-7.1; Ord. No. 49692, § 35, 8-17-78)

Sec. 5-17. Traps with holding mechanisms prohibited; exceptions.

No person shall set up or allow to be set up on his property steel jaw traps, spring traps with teeth or perforated edges on the holding mechanism, or any type of trap with a holding mechanism designed in such a fashion as to reasonably ensure the cutting, slicing, tearing or otherwise traumatizing of the entrapped prey, for the purpose of ensnaring domestic or wild animals within the city limits, unless the use of such traps is specifically deemed necessary by the director of public health in or for the control of communicable disease. This section is not to be construed to include those traps designed to kill common rodents, i.e., rats, mice, gophers and groundhogs; provided, the owner is responsible for taking care that any of the abovesaid "rodent" traps are not placed or used on or about his property in such a manner as to reasonably ensure the trapping of any other domesticated or wild animal, or of a human. It shall be a prima facie violation of this section that the traps proscribed in this section were, in fact, set up by the person in question, or were allowed to be set up by the person in question; no intent or further culpable mental state shall be required to prove such a prima facie violation.

(Code 1959, § 6-7.2; Ord. No. 49692, § 36, 8-17-78)

Sec. 5-18. Destruction of dangerous animals.

The director of health will order the seizure and humane euthanasia of any dangerous animal found within the corporate limits of the City of San Antonio. In lieu of euthanasia, the director of health may order that a dangerous animal be either:

- (1) Permanently removed from the corporate limits of the City of San Antonio; or
- (2) Transferred permanently to an appropriate animal care facility.

In the event that any animal is discovered in violation of any order described in (1) and (2) above, the animal shall be immediately seized and humanely euthanized. (Ord. No. 65067, § 2, 5-21-87)

Sec. 5-19. Animal traps without holding mechanism.

Humane traps used to capture dogs, cats, and other small animals alive shall be checked at least once every twelve (12) hours by the individual setting the trap. Humane care shall be provided for any trapped animals including the provision of food, water, and protection from extremes of the environment including heat, cold, and precipitation. Trapped animals bearing identification, and/or city registration shall be turned over to the city animal control facility or the animal's owner. (Ord. No. 65067, § 5, 5-21-87)

Sec. 5-20. Unlawful acts; penalties; remedies.

(a) It shall be unlawful for a person to intentionally or knowingly do or perform any act prohibited by article I, and it shall be unlawful for a person to intentionally or knowingly fail to do or perform any act required by article I. Each day's violation hereof shall constitute a separate offense.

(b) Upon conviction, any person, firm, corporation or agent or employee thereof who violates any of the provisions of this chapter shall be fined an amount not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00) provided, however, in the event a defendant has once previously been convicted under this article, the defendant shall be fined an amount no less than two hundred dollars (\$200.00) and shall be fined no less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter.

(c) Nothing in this section shall limit the remedies available to the city or the Metropolitan Health District in seeking to enforce the provisions of this chapter.

(Ord. No. 64489, § 4, 2-5-87; Ord. No. 96563, § 2, 10-10-02)

Editor's note: Ord. No. 64489, § 4, adopted Feb. 5, 1987, amended Ch. 5 of the Code by the addition of provisions which have been designated at the discretion of the editor as § 5-20.

Sec. 5-21. Safety of animals in motor vehicles; seizure of any cruelly treated animals pending justice court hearing.

(a) *Animals in moving vehicles.* No person shall transport or carry on any public roadway any animal in a motor vehicle unless the animal is safely enclosed within the vehicle; and if traveling in an unenclosed vehicle (including, but not limited to convertibles, pick-up trucks, jeeps, and flatbed trucks), the animal shall be confined by a vented container or cage, or by chain, rope or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.

(b) *Animals in parked vehicles; removal if endangered.* No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health or safety. Any animal control officer or police officer is authorized to use reasonable force, including the breaking of a side window, to remove an animal from a vehicle whenever it appears the animal's health or safety is or soon will be endangered, and said neglected or endangered animal shall be impounded.

(c) *Seizure powers utilized liberally in cruelty cases.* Animal control officials shall liberally utilize the authority granted by Section 821.022 of the Texas Health and Safety Code to seize and impound any animal. If the investigating animal control officer has reason to believe that an animal has been or is being cruelly treated, pending a hearing before any Justice of the Peace of Bexar County, Texas or any municipal court judge on the issues of cruelty and disposition of the animal. Seizure of the subject animal prior to receiving a warrant is hereby authorized if such a delay endangers the life of the animal, or if it would unreasonably prolong the suffering of the animal needing immediate attention.

(Ord. No. 79180, § 1, 11-18-93)

Sec. 5-22. Pet shop license.

(a) *License required.* No person shall operate any pet shop as defined in this chapter without first obtaining a license from the director of health, who shall take into consideration the type of building construction, the regulatory compliance history of the permittee as it relates to sanitation, health, and welfare of the animals, birds or reptiles housed, and with related zoning requirements. The director of health shall utilize a standardized check-list for inspecting and evaluating the qualifications of applicants.

(1) Applications for an original or renewal pet shop license shall be submitted to the animal control division of the health department and shall be approved or denied by the director of health. The animal control division shall investigate the applicant's qualifications for a license, and report its findings to the director of health. A conviction for the violation of any provision of this ordinance shall constitute cause for denial or revocation.

(2) No live animals shall be sold, traded, bartered, leased, rented, given away, or displayed for a commercial purpose on any roadside, public right-of-way, commercial parking lot, at any flea market or festival.

(3) Failure to apply for a license prior to the opening of such a commercial animal facility, or within thirty (30) days after the renewal date, shall constitute a misdemeanor crime, and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00).

(4) Each annual license shall expire at 12:01 a.m. on the calendar date anniversary of issuance.

(5) A seventy-five dollar (\$75.00) fee shall be paid to the city for each pet shop license which shall be renewed annually.

(b) *Health; safety; sanitation; possession of prohibited animals; transaction records.*

(1) *Public safety.* All enclosures used for public display of an animal must prevent direct contact between the animal and the viewing members of the public.

(2) *Animal husbandry.* Dogs and cats shall be removed from their primary enclosures at least twice during each twenty-four-hour period and exercised unless the primary enclosure is of sufficient size to conduct an exercise regimen needed by the animal for good health. Group housing of compatible animals is allowed if the space prevents crowding and allows for easy removal of animal waste, and the unhampered movement and comfort of each animal. Sick, diseased, and injured animals shall be kept isolated and taken to a veterinarian on the day of discovery for veterinary care or euthanasia.

(3) *Cleaning.* Animal enclosures shall be cleaned of debris and fecal matter at least once every twenty-four (24) hours. Sanitizing of dog and cat enclosures shall be done once every day by washing the surfaces with water and either soap or detergent, or by the use of a pressure water system or steam cleaner all of which shall be followed by the application of a safe and effective disinfectant. The exercise and run areas having pea gravel or other non-permanent surface materials shall be thoroughly cleaned at least every twenty-four (24) hours and more frequently if necessary by removal of soiled materials and application of suitable disinfectants followed by the replacement of clean surface materials when necessary. All animals shall be able to stand, stretch, and turn without touching any of the four (4) sides or top of their primary enclosure.

(4) *Dealing in prohibited animals.* It shall be unlawful for a pet shop owner, operator, manager, or employee to sell, trade, transfer, barter, give away, maintain, or act as a dealer or agent between a buyer and seller, of any animal prohibited by this ordinance in the City of San Antonio.

(5) *Parasite and disease detection.* All cats and dogs taken into a pet shop facility for resale shall be checked immediately for internal and external parasites. Any animal exhibiting any signs of parasites shall be promptly treated, and medical records maintained for each animal. Any animal exhibiting signs of any infectious disease including, but not limited to Canine Distemper, Canine Parvovirus, Canine Coronavirus, Kennel Cough, Feline Upper Respiratory Infection, or Feline Panleukopenia, will be immediately isolated and given adequate veterinary care. Complete records of veterinary care will be kept and delivered to the new owner upon the sale of the animals.

(6) *Records.* The pet shop permittee shall furnish a statement of sale or statement of transfer of ownership to a customer or other person taking possession of any dog, cat or parrot owned or possessed by the licensee, with each and every transaction, regardless of its nature. Each statement shall include: 1) name and address of the breeder, the seller or transferor, and the name and address of the purchaser or recipient and the date of transfer; 2) immunizations and kinds of medications administered, including quantities and dates. Records shall be maintained in good auditable condition, and surrendered to the director of health or his authorized representative upon request and without reservation or purpose of evasion. Refusal or failure to do so shall constitute a misdemeanor crime, and upon conviction, the permittee in violation shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00). Failure to produce such records upon demand by the animal control veterinarian or any authorized representative of the director of health shall be cause for the revocation of an existing license and the refusal to issue a new license for a period of two (2) years.

(Ord. No. 79180, § 1, 11-18-93; Ord. No. 92516, §§ 8, 9, 9-14-00)

Sec. 5-23. Dog kennels and catteries.

(a) *Permit required.* No person shall operate a kennel or a cattery without first obtaining a permit from the director of health. Such permit shall be issued after inspection and approval of the facilities, taking into consideration the type of construction

as it relates to sanitation, the health and welfare of the dogs, and related zoning regulations.

Application for permits under this section shall be made to the animal control veterinarian on the form furnished by the animal control division and approved by the director of health. The animal control veterinarian shall conduct the investigation necessary to determine the applicant's qualifications for a permit.

Failure to apply for a permit prior to the opening of a kennel or a cattery, or within thirty (30) days after the renewal date is a misdemeanor crime.

The director of health or his designee, after an administrative hearing, shall make a determination of whether the kennel or cattery conditions and the applicant's animal care practices meet the standards of this ordinance, whether the facilities are adequate, and whether the applicant is otherwise willing and capable of complying with city ordinances. If the application is for renewal of an existing permit, and the applicant has not complied with the rules and regulations established in this City Code chapter, said director shall issue a "Letter of Denial of Renewal and Order of Termination of Operations" of the subject kennel or cattery upon the expiration of the current permit period. Any unlicensed kennel or cattery is hereby declared a public nuisance, and shall be summarily abated by seizure and impoundment of all cats and dogs exceeding the legal number that may be kept by a non-kennel or non-cattery resident.

Each kennel or cattery permit application submitted to the animal control veterinarian shall be accompanied by an application fee of seventy-five dollars (\$75.00). However, the Animal Defense League and the Humane Society of Bexar County shall not be required to pay said fee, nor shall any corporation with Internal Revenue Service Code Section 501 (c)(3) status as a non-profit organization established for the purpose of protecting and caring for stray and unwanted animals.

(b) *Dog kennel or cattery construction requirements:*

(1) *Enclosed exterior.* The exterior of the kennel or cattery area shall be completely fenced or otherwise enclosed to prevent animals from leaving the premises.

(2) *Runs.* Runs shall be constructed to effectively enclose the animals housed therein. Construction shall permit ready observation and handling of the animals and promote ease of cleaning. Runs and exercise areas having gravel or other non-permanent surface materials shall be sanitized a minimum of once in each twenty-four-hour period and more frequently as may be necessary by removal of soiled materials and application of suitable disinfectants and replacement with clean surface materials.

(3) *Housing.* All primary enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to contain them, and exclude other animals. They shall be constructed and maintained to enable the animals contained therein to remain dry and clean and to permit regular and effective cleaning. Heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals and sanitation conditions.

(c) *Animal husbandry and health.*

(1) Group housing is permitted for animals which are compatible. Adequate space shall be permitted to allow freedom of movement and comfort.

(2) All animals which are known to be exposed to or show symptoms of having infectious or contagious diseases shall not be sold or transferred.

(3) A kennel or cattery shall not accept a dog or cat for boarding or breeding without first obtaining a copy of the dog's/cat's immunization record or veterinarian receipt showing that the animal has, within the past twelve (12) months, been vaccinated against canine distemper, hepatitis, parainfluenza and canine parvovirus. A cattery shall not accept a cat for boarding or breeding without first obtaining a copy of the cat's immunization record or veterinarian receipt showing that the cat has, within the past twelve (12) months, been vaccinated against feline panleukopenia viral rhinotracheitis and calici virus. Puppies and kittens less than nine (9) weeks of age are exempt from the vaccination requirement. The animal control facility, kennels, and catteries possessing federal certification of non-profit status (IRS 501-C-3) are exempt from this requirement.

(4) It is the responsibility of the permittees, except for those exempted from the payment of kennel fees, to be able to prove at anytime that all dogs and cats on the premises which are over four (4) months of age have been vaccinated against rabies within the preceding twelve (12) months.

(5) All animals shall be supplied with sufficient and acceptable food during each twenty-four-hour period and more often if the physiological needs of the animal require it.

(6) Potable water shall be provided to each animal at least once during each twenty-four-hour period except when advisable under accepted veterinary practices.

(7) Precautions shall be taken to insure that animals are not teased, annoyed, or made to suffer by any persons or means.

(Ord. No. 79180, § 1, 11-18-93; Ord. No. 92516, § 10, 9-14-00)

Sec. 5-24. Non-livestock animal waste; sanitation standards.

(a) *Disposal methods.* All animals shall be kept in a sanitary manner. Animal owners shall collect and dispose of animal waste by flushing it down a commode, by burial at least six (6) inches below the surface of the ground, or by placing it in a disposable container, sealing the container, and disposing of it as household garbage.

(b) *Odor and attraction of pests prohibited.* No animal owner shall allow the accumulation of animal waste on any premises in a quantity sufficient to create an odor offensive to a person of normal sensibilities standing on any adjacent property not owned or controlled by the subject animal's owner, or which creates a condition conducive to the breeding of flies or other pests.

(c) *Declaration of public nuisance.* The accumulation of animal waste on any premises so as to create a stench or harborage for flies or other pests is hereby declared to be a public nuisance.

(d) *Notice to clean; enforcer.* Upon delivery of a written "Notice to Clean" by the director of code compliance or his representative, an animal owner or any adult occupant of the premises identified in said notice shall abate the therein described public nuisance on the premises within twenty-four (24) hours. Delivery shall be accomplished either by hand to the animal owner or keeper or any adult occupant of the residence, or by posting in a conspicuous place on the main entrance fence gate of the premises or main entrance door of the structure on the premises, or by certified mail, return receipt requested.

(e) *Summary abatement.* The director of health and the director of code compliance are separately authorized and empowered as health officials to enforce the provisions of this section, and may summarily abate and remove any immediate public health and safety hazard due to the presence of animals by declaring the conditions to be an immediate public health hazard and public nuisance, and shall execute an administrative order that the premises be cleaned to city health code standards by the city or its contractor within twenty-four (24) hours. Both of said directors are each individually authorized to petition a justice court for a court order for the seizure of a particularly described animal or all animals kept on the subject premises to be impounded and cared for as abused or neglected animals pending a hearing before the justice of the peace in accordance with Section 821.022 of the Texas Health and Safety Code.

(f) *Revocation of license; appointment of "Animal nuisance hearing officers."* The failure of an animal owner or occupant of a residence where an animal is kept, to comply with the "Notice to clean" on two (2) occasions within a calendar year shall be reported to the director of health. Said director shall appoint three (3) health department staff members to serve as "animal nuisance hearing officers," to conduct an administrative hearing after a written notice to the owner or keeper of the subject animals. The notice shall state the subject matter, time, and place and shall be delivered to any resident or person in possession and control of the location where the animal was found. Said hearing officers shall determine from the greater weight of the evidence whether the past sanitation and health conditions of the subject premises constitute reasonable grounds for the revocation of any existing animal licenses, and shall so advise the director of health. If the evidence warrants the declaration of an immediate health hazard to the

subject animal or any person, and the animal has not already been impounded as a public nuisance pending the formal determination hearing, the officers shall, upon unanimous vote, advise the director of health to order the impoundment and humane disposition of any or all animals on the subject premises, such order to be signed by the director of health. All three (3) officers shall sign the recommendation to the director of health.

(g) *Poop scoopers required.* An animal owner or keeper shall not walk his/her animals without a leash restraint, and shall not guide or take animals onto the yards or driveways of property not owned, leased or occupied by the animal owner for the purpose of allowing the animal to defecate, but shall keep his/her animal in the public right-of-way, and shall carry a container and scooper for the sanitary removal of his/her animal's fecal matter from the public sidewalk and public right-of-way adjacent to any property with a structure or other improvements thereon.

(h) *Penalty.* Violation of any provision of this ordinance is hereby declared to be a health and safety related misdemeanor crime, and upon conviction, the violator shall be subject to a fine of not more than two thousand dollars (\$2,000.00).

(Ord. No. 79180, § 1, 11-18-93)

Secs. 5-25--5-30. Reserved.

ARTICLE II. ANIMAL CONTROL ADVISORY BOARD

Sec. 5-31. Creation; composition; term of service.

(a) There is hereby created the animal control advisory board, which shall consist of eleven (11) members. The members of this board shall be appointed by the city council, one (1) from each city council district and one (1) by the mayor. Each appointee shall serve on said board for a term of two (2) years from date of appointment.

(b) The animal control advisory board shall include among its membership at least one (1) licensed veterinarian; one (1) city official; one (1) animal shelter operator; one (1) representative from an animal welfare organization.

(c) The animal control advisory board shall meet at least three (3) times a year.

(Code 1959, § 6-45.7; Ord. No. 41165, § 13, 9-7-72; Ord. No. 55653, § 1, 8-5-82; Ord. No. 57169, § 1, 6-23-83; Ord. No. 68204, § 1, 10-27-88)

Sec. 5-32. Duties and powers.

(a) The animal control advisory board shall visit the animal control facility of the city at times selected by the board, and shall inspect all phases of the operation at the facility. To this end, board members shall have access, for observation purposes only, to all areas of the animal control facility.

(b) The board shall submit quarterly reports to the city council, through the city manager, concerning the operation of the animal control facility and the animal control program, together with its recommendations and/or advice concerning same.

(c) The board shall further advise the city council, through the city manager, on any aspect of animal control which in the board's opinion merits the attention of the city.

(Code 1959, § 6-45.8; Ord. No. 41165, § 13, 9-7-72)

Secs. 5-33--5-45. Reserved.

DIVISION 1. GENERALLY

Sec. 5-46. Livestock defined.

For the purposes of this article, the term "livestock" shall mean any horse, stallion, mare gelding, filly, colt, mule, hinny, jennet, hog, sheep, goat, llama, or head of any species of cattle.

(Ord. No. 79180, § 1, 11-18-93)

State law references: Similar definition, V.T.C.A. Agricultural Code, § 142.002.

Sec. 5-47. Swine.

It shall be unlawful to keep or maintain swine within the city other than for the purposes and at the locations indicated below:

- (1) Exhibition at stock shows, fairs and circuses;
- (2) When located at and on the property of any vocational school, with facilities properly constructed as determined by the director of public health;
- (3) Slaughtering establishments;
- (4) When offered for sale at union stock yards or auction barns adjacent thereto;
- (5) When kept at the home of an FFA (Future Farmers of America) member under the supervision of a high school vocational agricultural teacher or of a 4-H member under the supervision of the county agricultural agent, subject to the following conditions:
 - a. The property upon which the FFA or 4-H enrollee resides and maintains the swine must be a minimum of one (1) acre in area with a maximum of five (5) swine;
 - b. The minimum pen size shall be six hundred twenty-five (625) square feet per hog, those over fifty (50) pounds, and the pen must be covered with a roof having a minimum of one hundred (100) square feet per hog with a minimum pen width of fifteen (15) feet;
 - c. All swine must be grain fed;
 - d. Swine must be on a self-waterer or similar equipment approved by the director of public health. There shall be a slab or other solid type construction under the tank covering the area of four (4) feet in each direction;
 - e. Hog wallows are prohibited;
 - f. The open and adjacent areas must be kept clean;
 - g. Enrollees must be under close supervision of a vocational agricultural teacher or the county agricultural agent. If an enrollee does not conform to city regulations, such advisor will report the violation to the director of public health and maintaining swine at the location shall be terminated immediately;
 - h. The pen shall be a minimum of one hundred fifty (150) feet from any dwelling or business building owned or occupied by any person other than the owner of the swine or person keeping and maintaining same;
 - i. Enrollees must be certified by letters to the director of the San Antonio Metropolitan Health District by the county agricultural agent for 4-H members and by the high school principal for FFA members giving the names of the vocational agriculture teachers or advisors supervising the enrollees and their projects, and such other information as the director may require. Such officials shall notify the director of public health of the termination of an enrollee's projects.
 - j. Each enrollee shall obtain a permit from the director of public health before commencing a project. The form of application for permits shall be prescribed by the director of public health. No fees shall be charged for such permits.

(Ord. No. 16116, § 4, 9-27-51; Code 1959, § 6-15; Ord. No. 33971, § 8, 12-30-65; Ord. No. 44265, § 1, 8-29-74)

Sec. 5-48. Removal of animal wastes at stock shows; parking of stock trucks.

(a) Manure and other animal wastes from animals held at stock shows, fairs, circuses and carnivals, shall be removed daily to a place approved by the director of public health.

(b) Stock trucks and stock cars which have been used for the transportation of livestock, if parked in any area within the city other than the union stockyards, shall have all animal waste removed and the vehicle thoroughly cleaned. Such cleaning shall be accomplished at a place designated by the director of public health.
(Ord. No. 16116, § 4, 9-27-51; Code 1959, § 6-15; Ord. No. 33971, § 8, 12-30-65; Ord. No. 44265, § 1, 8-29-74)

Sec. 5-49. Barns, stables, etc.

It shall be unlawful for any person to have, maintain or conduct, or cause to be had, maintained or conducted, within the territory included in what is known as fireproof district A and innerfire district B of the city, any corral, pen, stable or house in which any livestock are kept for sale or trading purposes. The conduct and maintenance of any such business, stable or place within these limits is hereby declared to be a public nuisance and a menace to the health and well-being of the people of the city.
(Code 1950, § 5-10; Code 1959, § 6-16)

Sec. 5-50. Keeping of bovines, equines, sheep, goats.

(a) It shall be unlawful for any person to keep or to permit the keeping of bovines, equines, sheep and/or goats on premises owned by him or under his control, provided that:

(1) Not more than two (2) of such animals may be kept on any premises if they are enclosed in a pen the nearest point of which is at least one hundred (100) feet from any dwelling or business building owned or occupied by any person other than the owner.

(2) Not more than four (4) of such animals may be kept on the premises if the distance from the pen is at least one hundred fifty (150) feet from any business building or dwelling owned or occupied by any person other than the owner.

(3) Five (5) or more of such animals may be kept on the premises if they contain at least five (5) acres of land and if the barn or roofed standing area, the feeding area and the water supply for the animals are located at least two hundred (200) feet and the pasture fence is at least fifty (50) feet from any business building or dwelling owned or occupied by any person other than the owner.

(b) A minimum of four hundred (400) square feet of pen of which one hundred (100) square feet is under roof must be provided for each head of bovines or equines and two hundred (200) square feet of pen of which forty (40) square feet is under roof must be provided for each head of sheep or goats.

(c) Any boarding stable or riding stable or academy must contain at least four hundred (400) square feet of space, of which one hundred (100) square feet is under roof, for each of such animals kept or maintained on the premises. The other provisions of this section shall not apply if the premises are zoned for operation of a riding stable or academy.

(Code 1959, § 6-16.2; Ord. No. 33971, § 9, 12-30-65)
Secs. 5-51--5-66. Reserved.

DIVISION 2. PERMITS

Sec. 5-61. Required.

It shall be unlawful for any person to keep livestock in the city without first obtaining a permit from the director of public health, such permit to be valid only for the location for which it was issued.
(Code 1959, § 6-8)

Sec. 5-62. Application.

Every person who is a keeper of any livestock shall make application in writing to the director of public health, upon forms prescribed and furnished by the director, for a permit to keep such livestock, as defined in this article.
(Ord. No. 16116, § 2(E), 9-27-51; Code 1959, § 6-9; Ord. No. 33971, § 4, 12-20-65)

Sec. 5-63. Fees.

The permit fee for livestock in the city shall be as follows:

(1) A person who keeps bovine or equine livestock shall pay a fee of one hundred fifty dollars (\$150.00) per year or any fractional part thereof;

(2) A person who keeps any other livestock as defined in this article shall pay a fee of fifty dollars (\$50.00) per year or any fractional part thereof.

(Ord. No. 16116, § 2(B), 9-27-51; Code 1959, § 6-10; Ord. No. 33971, § 5, 12-30-65; Ord. No. 46431, § 2, 3-25-76; Ord. No. 51049, § 6, 7-26-79; Ord. No. 54275, § 3, 9-17-81; Ord. No. 57568, § 4, 9-15-83; Ord. No. 67911, § 2, 9-15-88; Ord. No. 94584, §§ 1, 2, 9-20-01; Ord. No. 98187, § 7, 9-18-03)

Sec. 5-64. To whom fees payable.

All fees payable under this division, for whatever purpose required, shall be paid to the director of public health.

(Ord. No. 16116, § 5, 9-27-51; Code 1959, § 6-11)

Sec. 5-65. Who may obtain.

Only a person who complies with the requirements of this division shall be entitled to receive and retain a permit to keep livestock.

(Ord. No. 16116, § 2(C), 9-27-51; Code 1959, § 6-12)

Sec. 5-66. Revocation.

All permits issued under this division may be revoked by the director of public health, or his authorized representative, for the violation by the holder thereof of any of the provisions of this division. Revocation of the permit is accomplished by mailing to the holder of such permit a written notice by certified mail stating his permit is revoked. Revocation of the permit may also be accomplished by personally delivering to the holder thereof a written notice stating his permit is revoked.

(Ord. No. 16116, § 2(D), 9-27-51; Code 1959, § 6-13; Ord. No. 33971, § 1, 12-30-65;

Ord. No. 36215, § 1, 2-8-68)

Secs. 5-67--5-80. Reserved.

DIVISION 3. RUNNING AT LARGE**Sec. 5-81. Pound limits defined.**

The pound limits shall be coextensive with the limits of the city.

(Code 1950, §§ 5-1, 5-9; Code 1959, § 6-17)

Sec. 5-82. Unlawful.

It shall be unlawful for livestock to run at large within the pound limits as defined in section 5-81. The owner of livestock found running at large within the pound limits shall be deemed guilty of a misdemeanor.

(Code 1950, §§ 5-1, 5-9; Code 1959, § 6-17)

Sec. 5-83. Impounding.

It shall be the duty of the director of public health to gather up or cause to be gathered up all livestock found running at large in the city limits and to impound same at the public stockyards in the city.

(Code 1950, § 5-2; Code 1959, § 6-18; Ord. No. 41165, § 3, 9-7-72)

Sec. 5-84. Advertisement, sale; redemption fees for impounded animal.

After giving five (5) days' notice by publication in the official journal of the city, the director of public health shall sell, through the public stockyards, any animal impounded under this division to the highest bidder for cash. The owner or his agent may redeem

any such animal so impounded at any time prior to such sale by paying one hundred dollars (\$100.00) as an impounding fee for each livestock animal as well as a charge of twenty dollars (\$20.00) per day board fee. In case of redemption of any livestock before sale, the cost of advertisement required in this section, if made, shall be collected from the owner. In case of the sale of any livestock, the cost of advertisement shall be added to the impounding fee as set forth in this division, and the total sum shall be deducted from the proceeds of the sale and the remainder of the sales price, if any, shall be disposed of as provided by section 5-86.

(Code 1950, § 5-3; Ord. No. 25070, § 1, 5-23-57; Code 1959, § 6-19; Ord. No. 41165, § 4, 9-7-72, Ord. No. 45535, § 28, 7-24-75; Ord. No. 90494, §§ 3, 4, 9-16-99; Ord. No. 92516, §§ 11, 12, 9-14-00)

Sec. 5-85. Disposition of impounded animals not sold at sale.

If at any time of sale, no purchaser shall be found for any animal impounded under the provisions of this division, or if no reasonable cash bid shall be received, such animal shall be disposed of in such manner as the director of public health may deem most advantageous to the interest of the city, according to the spirit and intent of this division.

(Code 1950, § 5-4; Code 1959, § 6-20)

Sec. 5-86. Disposition of proceeds of sale of impounded animals.

All moneys received by virtue of the provisions of section 5-84 from the sale of such animals shall be appropriated to the payment of all expenses incurred in catching, impounding, keeping, feeding and selling such animals, as provided in section 5-84. If there be any balance remaining after paying such expenses, the same shall be turned over to the tax assessor and collector of the city, to be held subject to the order of the owner.

(Code 1950, § 5-5; Code 1959, § 6-21)

Sec. 5-87. Turning loose impounded animals.

It shall be unlawful for any person to rescue or turn loose impounded animals by destroying the fence or otherwise.

(Code 1950, § 5-6; Code 1959, § 6-22)

Sec. 5-88. Driving animals into city for purpose of impounding.

It shall be unlawful for any person to drive any animals into the city for the purpose of impounding or having the same impounded.

(Code 1950, § 5-7; Code 1959, § 6-23)

Secs. 5-89--5-100. Reserved.

DIVISION 4. SANITATION GENERALLY

Sec. 5-101. Construction of standings.

Standings shall be constructed of concrete, compacted caliche or other equally impervious material that can be easily cleaned where bovines, equines, swine, goats or sheep are kept; or any other livestock when kept for commercial purposes. Such standings shall be located under the roofed areas and shall be the size of the roofed areas.

(Ord. No. 16116, § 3, 9-27-51; Code 1959, § 6-14; Ord. No. 33971, § 7, 12-30-65)

Sec. 5-102. Removal of animal wastes.

All manure and other animal wastes from livestock shall be removed from pens, corrals or standings at least once each day. This material shall be deposited in a manure storage bin of concrete or metal construction and shall be provided with a fly-tight lid.

Such manure and other animal wastes shall be removed from this bin at least once each week to a disposal site approved by the director of public health.

(Ord. No. 16116, § 3, 9-27-51; Code 1959, § 6-14; Ord. No. 33971, § 7, 12-30-65)

Sec. 5-103. Breeding and harborage of flies.

It shall be unlawful to permit or allow fly breeding on premises on which livestock are kept, and permitting or allowing such shall authorize the denial, suspension or revocation of a permit by the director of public health.

(Ord. No. 16116, § 3, 9-27-51; Code 1959, § 6-14; Ord. No. 33971, § 7, 12-30-65)

Secs. 5-104--5-115. Reserved.

DIVISION 5. TUBERCULIN TESTS FOR CATTLE

Sec. 5-116. Definitions.

The following definitions shall apply in the interpretation and enforcement of this division:

Area, premises or circumscribed area shall mean all lots, fields, pastures or other land, fenced or unfenced, within the city and no public square, street or alley is regarded as within such area.

Cow or cattle shall be used synonymously and shall include male, female or steers, regardless of age, and shall apply to either the singular or plural.

Test shall mean and include either the intradermal tuberculin test or subcutaneous tuberculin test, when either of such tuberculin tests are applied as provided for in section 5-118.

(Code 1950, § 5-55; Code 1959, § 6-62)

Sec. 5-117. Enforcement of division; administration of tests.

The director of public health shall be charged with the responsibility for a proper enforcement of the terms and provisions of this division. All tests prescribed and provided for in this division shall be performed by a duly and regularly licensed veterinarian who is accredited by the United States Bureau of Animal Industry and the livestock sanitary commission of the state for the administration of the tuberculin test, in accordance with the provisions of this division.

(Code 1950, § 5-56; Code 1959, § 6-63)

Sec. 5-118. Recognized test.

The intradermal or subcutaneous tuberculin test, when applied by a licensed graduate veterinarian accredited by the United States Bureau of Animal Industry and approved by the livestock sanitary commission of the state, will be recognized for the purpose of this division. The ophthalmic tuberculin test is recognized only when given as a check to test in conjunction with either the intradermal tuberculin test or the subcutaneous test or both.

(Code 1950, § 5-57; Code 1959, § 6-64)

Sec. 5-119. Annual testing.

All cattle kept on any premises within the city shall be tuberculin tested at least once a year, excepting any cow that has been pronounced tubercular on account of having been a positive reactor to the tuberculin test when applied by a veterinarian approved by the state or federal government.

(Code 1950, § 5-58; Code 1959, § 6-65)

Sec. 5-120. Admitting into area before testing.

It shall be unlawful for any person to bring or allow to be brought on his premises within the city, any cattle, with the exception of cattle from an accredited herd or from a herd in the process of accreditation, until the cattle are shown to be free from

tuberculosis by a negative reaction to a tuberculin test given as prescribed in section 5-118, and made within sixty (60) days preceding the date of entrance of the cattle into the area. All cattle so tested shall be tagged with a metal tag, bearing a number and the inscription "City of San Antonio," which tag shall be obtained from the city.
(Code 1950, § 5-59; Code 1959, § 6-66)

Sec. 5-121. Identification of cattle.

All cattle within the circumscribed area provided for by this division shall be identified by a metal tag in the right ear, containing a serial number and the inscription "City of San Antonio."
(Code 1950, § 5-68; Code 1959, § 6-67)

Sec. 5-122. Records.

A legible record of the test as required by section 5-120 shall be presented to the director of public health for inspection before such cattle are permitted on any premises. All tuberculin test records shall be made on an official form approved by the state livestock sanitary commission and shall show in full a complete and correct account of dates and hours of both injection and observation, complete and correct records of temperatures and hours they were taken in case the subcutaneous test was given, the amount of tuberculin injection and time of injection, a careful description for identification, including the sex, age, breed and other characteristics, the owner's name and address, name and address of the veterinarian who made the test and the serial number on the metal tag attached to the animal tested.
(Code 1950, § 5-60; Code 1959, § 6-68)

Sec. 5-123. Cattle entering area from another state.

Cattle entering the area as defined in this division from another state must be brought into the area in compliance with federal interstate regulations and be subject to a ninety-day quarantine and retest as required by the livestock sanitary commission of the state.
(Code 1950, § 5-61; Code 1959, § 6-69)

Sec. 5-124. Cattle pastured outside circumscribed area.

No cattle from any premises within the city shall be allowed to mingle, associate or run in pastures, public streets, alleys, roads or squares with cattle which are not tuberculin tested at least once a year by a veterinarian approved by the state and federal governments for the tuberculin testing of cattle as required in this section 5-120. Cattle placed on pasture outside the city with untested cattle, while cattle are dry or for any other reason, shall be tuberculin tested for the admittance of cattle into the area, before such cattle are allowed to be returned to any premises within the city.
(Code 1950, § 5-62; Code 1959, § 6-70)

Sec. 5-125. Payment of costs.

The cost of making the tests required by section 5-120 shall be borne by the owner of the cattle tested.
(Code 1950, § 5-63; Code 1959, § 6-71)

Sec. 5-126. Reactors.

All positive reactors to the tuberculin test as required in section 5-120 within the city shall be branded with a letter "T" not less than two (2) inches in height nor less than two (2) inches in width on the left jaw, tagged with a metal ear tag and isolated immediately after such cattle are pronounced as positive reactors. The veterinarian making such test shall give written instructions on disinfection of the premises and methods for the isolation of the reactors to the owner or caretaker of such reactors. The written instructions shall be made in duplicate and the duplicate copy shall be filed with

the person in the city designated to inspect milk, whose duty it shall be to see that the instructions are carried out. Nothing in the instructions shall conflict with the state quarantine laws or rules and regulations of the livestock sanitary commission of the state. One (1) positive reaction to a recognized tuberculin test shall be regarded as sufficient evidence of tuberculosis in cattle for the purpose of this division.

(Code 1950, § 5-64; Code 1959, § 6-72)

Sec. 5-127. Suspects.

If there is any doubt in the mind of the veterinarian who makes a tuberculin test as required in section 5-120 about the results of the test, he shall class the cow as a suspect to the tuberculin test and she shall be immediately isolated from all other cattle and handled as is provided in section 5-126 for the handling of reactors to the tuberculin test, in respect to disinfection and isolation only. If the cow is classed as a suspect to the intradermal tests she may be given a combination of the subcutaneous tuberculin test and the ophthalmic tuberculin test, provided such tests are started within three (3) hours after she has been classed as a suspect to the intradermal tuberculin test. Otherwise a cow classed as a suspect to the tuberculin test shall not be given a tuberculin test within sixty (60) days from the date of the test following which she was classed as a suspect. When the combination of the subcutaneous and ophthalmic tuberculin tests is given a suspected cow, a positive reaction to either of the tests will be regarded as sufficient evidence of tuberculosis.

(Code 1950, § 5-65; Code 1959, § 6-73)

Sec. 5-128. Reporting reactors and suspects.

It shall be the duty of the veterinarian making the test required by section 5-120 to immediately report to the director of public health and the livestock sanitary commission of the state any and all reactor cattle or suspect cattle to the tuberculin test, whether within the circumscribed area or in any dairy herd from which milk is sold or distributed within the city.

(Code 1950, § 5-66; Code 1959, § 6-74)

Sec. 5-129. Records and reports of milk-producing cattle.

A complete and correct record shall be kept of all cattle within the city limits and in the herds outside of the city from which milk is sold or distributed within the city under the provisions of chapter 13. An accurate account of all tuberculin tests, as required by section 5-120, on cattle tested annually and for addition to the area, and of retests of suspects shall be kept up to date at all times for inspection. All necessary books and records shall be kept of expenditures and other items deemed advisable by the state or federal government or the officials of the city. The director of public health shall forward an annual report, consisting of a record of all cattle within the area, all cattle tested for admittance to the area and all annual tuberculin tests on cattle within the area and other reports or records desired by the state or federal government which deal with the eradication of tuberculosis in accordance with this division or chapter 13, to the state livestock sanitary commission and the inspector in charge of the bureau of animal industry in the state.

(Code 1950, § 5-67; Code 1959, § 6-75)

Sec. 5-130. Sale of milk or milk products from untested cattle.

It shall be unlawful for any person to sell or distribute, or to offer to sell, within the city any milk drawn from a cow not tested in the manner prescribed by this division, or to sell or distribute or offer for sale any milk products made or manufactured from milk drawn from a cow not tested in the manner prescribed by this division.

(Code 1950, § 5-69; Code 1959, § 6-76)

Cross references: Regulations pertaining to sale of milk, § 13-326 et seq.

Sec. 5-131. Application for permit to sell milk.

Every person, before selling, distributing or offering for sale any milk or milk products within the city, shall make application for a permit to sell or distribute milk products within the city to the director of public health. Such application (a) shall, in addition to the requirements set out in chapter 13, give the name and address of a licensed veterinarian, who is accredited by the United States Bureau of Animal Industry and the livestock sanitary commission of the state, who made the last intradermal or subcutaneous tuberculin test. Such application shall also have attached for inspection the original certificate issued by the veterinarian who made the last intradermal or subcutaneous tuberculin test.

(Code 1950, § 5-70; Code 1959, § 6-77)

Sec. 5-132. Conflict with state or federal regulations or laws.

Nothing in this division shall be understood to conflict with state or federal regulations pertaining to the control or eradication of tuberculosis in or from domestic animals or with state quarantine laws.

(Code 1950, § 5-71; Code 1959, § 6-78)

Sec. 5-133. Brucellosis testing.

All cattle, sheep, and goats residing in the corporate limits of the City of San Antonio shall be tested annually for brucellosis. Upon demand from the health department, owners of said animals shall furnish a certificate from a veterinarian licensed by the State of Texas giving evidence that the animal or animals are free of brucellosis. Animals that test positive for brucellosis shall be reported to the director of health and removed from the corporate limits of the city.

(Ord. No. 65067, § 6, 5-21-87)

Secs. 5-134--5-145. Reserved.

ARTICLE IV. DANGEROUS ANIMALS AND PET LICENSES

DIVISION 1. DANGEROUS ANIMALS*

***Editor's note:** Ord. No. 79180, § 1, adopted Nov. 18, 1993, amended former Div. 1, relative to vicious dogs, in its entirety to read as herein set out. The provisions of former Div. 1, §§ 5-146--1-153 derived from Ord. No. 66878, § 1, adopted March 31, 1988.

Sec. 5-146. Definitions.

As used in sections 5-146 through 5-153 inclusive, of this chapter, the following words or terms shall have the following meanings, unless the context shall indicate another or different meaning or intent.

(1) *Dangerous animal* means:

(a) Any animal that, when unprovoked, inflicts severe, injury or death to a person or bites a person on public or private property; or

(b) Any animal that has killed a domestic animal without provocation while off the owner's property; or

(c) Any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property or private property in lawful possession of a person other than the animal owner, in a menacing fashion or apparent attitude of attack such that the person reasonably believes that the animal will cause physical injury to that person; or

(d) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or threaten the safety of persons or domestic animals.

(2) *Animal control officer* means any employee in the animal control division of the health department or any individual designated by the director of health to enforce the provision of this section. The animal control officer must be certified by the State of Texas as an animal control officer or be a licensed veterinarian.

(3) *Dangerous animal determination hearing officers* means any health department employee and other individuals designated by the director of health to conduct administrative hearings to decide whether or not an animal is dangerous. The hearing officer shall have a working knowledge of animal behavior.

(4) *Enclosure* means a house or a building, or in the case of a fence or a structure/pen, the fence or structure/pen must also have minimum dimensions of five (5) feet by ten (10) feet. The fence or structure/pen must form an enclosure suitable to prevent entry of young children and must be locked and secured such that an animal cannot climb, dig, jump or otherwise escape of its own volition. The enclosure shall be securely locked at all times. The structure/pen must have secure sides to prevent the dangerous animal from escaping from the enclosure. The structure/pen shall provide protection from the elements for the dangerous animal. Notwithstanding the fence height restrictions of section 6-2 of this Code, the animal control official shall have the right to require that the fence be higher than six (6) feet or require a secure top and/or bottom be added to the structure/pen if the need is demonstrated. These additional requirements shall be based upon the type of animal to be kept in this enclosure and its anticipated ability to escape.

(5) *Menacing fashion* means the show by an animal of a disposition, determination, or intent to attack or inflict injury or harm to a person.

(6) *Owner/keeper* means any person, firm, corporation, organization or department holding, caring for, having an interest in, or having control or custody of an animal. If the owner/ keeper of an animal is a minor, the parent or guardian of that minor shall be responsible for compliance with animal control related ordinances.

(7) *Severe injury* means any physical injury that results in death, broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(8) *Unprovoked animal attack* means an attack by an animal that was not hit, kicked or struck by a person with any object or body part nor was any part of the animal's body pulled, pinched or squeezed by the person or animal that was attacked.
(Ord. No. 79180, § 1, 11-18-93)

Sec. 5-147. Declaration of a dangerous animal.

(1) An animal control official may declare an animal to be a dangerous animal if the official has cause to believe that an animal is dangerous as defined under section 5-146(1)(a--d).

(2) Upon receipt of a sworn affidavit of complaint, signed by one or more individuals before an individual authorized by law to make sworn statements, an animal control official shall investigate the complaint. The complaint shall contain a description of the incident involving a dangerous animal, as defined by section 4-146, the date and location of the incident, the name of the owner of the animal, the address of the owner, and a description of the animal(s) involved in the incident. Said investigation may include discussing the incident with the owner/keeper of the animal. The owner/keeper of the animal shall have the right to provide an affidavit or statement concerning his own animal.

(3) After receiving a sworn affidavit of complaint, and upon making a determination that seizure is a reasonable precaution to insure the health and safety of people and/or animals nearby, the animal control veterinarian may order the immediate seizure of the animal, pending a hearing by the dangerous animal determination board. An administrative search warrant shall be obtained from any municipal court magistrate to enter onto private property to search for an animal which is allegedly dangerous or has been previously declared to be dangerous, if permission to enter the subject premises is denied by a person in lawful possession. If the animal cannot be safely approached, a tranquilizer projector may be used by the animal control veterinarian, or his designee. The cost of securing said animal(s), pending the determination hearing, shall be borne by the owner. The animal(s) involved may be confined at the animal control facility or other location designated by the animal control veterinarian until the dangerous animal determination board has conducted a hearing, any appeal, and made a final determination. If an animal is determined to be dangerous, it will remain in confinement as directed by the animal control veterinarian. An animal that has been determined to be dangerous cannot be released back to the owner until the owner is able to demonstrate his ability to comply with all nine (9) requirements of the dangerous animal code as outlined in section 5-153(3).

(Ord. No. 79180, § 1, 11-18-93; Ord. No. 85353, § 5, 12-19-96; Ord. No. 92546, §§ 1--4, 9-21-00)

Sec. 5-148. Notification of declaration of a dangerous animal.

Within five (5) working days after declaring an animal dangerous, the animal control veterinarian will notify the owner, by certified mail, return receipt requested, of the reason for the declaration, and of all requirements for owners of a dangerous animal as set out in section 5-151.

(Ord. No. 79180, § 1, 11-18-93; Ord. No. 92546, § 5, 9-21-00)

Sec. 5-149. Determination hearing; board members selected, notice of hearings.

(1) If an animal is declared dangerous, the director of health, or his designee, shall schedule a dangerous animal determination hearing. The director of health, or his designee, shall notify the individuals comprising the dangerous animal determination board of the time and date of the hearing. The board shall consist of the animal control veterinarian, and the following two (2) members selected by the director of health: a veterinarian from the animal control advisory board and a member of the Veterinary Medical Association of Bexar County. The animal control veterinarian will chair the board. The determination hearing shall be conducted within fifteen (15) working days of

the date an animal is declared dangerous. The owner shall be notified of said hearing by certified mail, return receipt requested. Failure of the owner of the animal to appear at the determination hearing shall result in a final determination by the board, with no further appeal.

(2) The dangerous animal determination board shall determine whether to declare the animal to be a dangerous animal as defined in this ordinance based upon evidence, affidavits, and testimony presented at the time of the hearing by the owner, witnesses to any incident which may be germane to such a determination, health department personnel, animal control personnel, police or any other person possessing information pertinent to such determination.

(3) The board shall issue findings within five (5) working days after the determination hearing. The owner of the animal found to be dangerous by the board has the right to appeal the decision to municipal court within five (5) working days of receiving such decision by submitting written notice to the animal control veterinarian. Failure to appeal within the time allotted shall result in the hearing officer's decision as final. A municipal court judge shall sit as the administrative appeal hearing officer, and shall conduct the appeal as a civil administrative proceeding for the purpose of reviewing the written or audio record and/or viewing a video tape of the hearing conducted by the dangerous animal determination board, and hearing any additional offered relevant sworn testimony and other evidence that such administrative appeal hearing officer deems useful. The administrative appeal hearing officer shall prepare a written memorandum of findings and declare the board's ruling either affirmed or reversed.

(Ord. No. 85353, § 6, 12-19-96; Ord. No. 92546, § 6, 9-21-00)

Sec. 5-150. Defense to declaration of dangerous animal.

It is a defense to the determination of an animal as dangerous and to the prosecution of the owner of an animal:

(1) If the threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal; or

(2) If the person was teasing, tormenting, abusing or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal; or

(3) If the person was committing or attempting to commit a crime; or

(4) If the domestic animal killed was at the time teasing, tormenting, abusing or assaulting the animal; or

(5) If the animal was protecting or defending a person within the immediate vicinity of the animal from an attack or assault; or

(6) If the animal was injured and responding to pain; or

(7) If the animal was protecting her offspring, itself or its kennelmates.

(Ord. No. 79180, § 1, 11-18-93)

Sec. 5-151. Requirements of dangerous animal owners.

An owner of an animal declared dangerous by the dangerous animal determination board or the administrative appeal hearing officer, must comply with all of the following (10) requirements before the subject animal can be released to the owner by the city veterinarian. The city veterinarian must, however, release the animal to the owner if a Texas licensed veterinarian with a facility located within the city verifies, upon being contacted by the city veterinarian or director of health, that the owner has arranged for the required surgery of the dangerous animal to comply with this article, and the city veterinarian has implanted the required identification microchip in the animal, and has inspected the residence where the animal is to be kept, and is satisfied that the following requirements which could have already been complied with have been complied with by the owner:

(1) The animal must be licensed in accordance with this chapter; and

(2) The dangerous animal shall at all times wear a collar approved by the animal control veterinarian visible at fifty (50) feet so that the animal can be identified as a dangerous animal. The animal control division is authorized to charge the animal owner a five dollar (\$5.00) fee to cover the cost of this collar; and

(3) The dangerous animal must be kept in a proper enclosure; and

(4) The owner must present to the health department a certificate of public liability insurance in the amount of one hundred thousand (\$100,000.00) dollars to cover any injuries caused by the dangerous animal. The insurance shall be kept in effect continuously and shall not be cancelled unless the animal is no longer kept by the insured owner; and

(5) The dangerous animal, when taken outside the enclosure, must be securely muzzled in a manner that will not cause injury to the animal nor interfere with its vision or respiration, but shall prevent it from biting any person or animal; and the dangerous animal must be restrained by a chain or cable leash having a minimum tensile strength of one thousand (1,000) pounds and not to exceed six (6) feet in length. The animal control division is authorized to charge the animal owner a ten dollar (\$10.00) fee to cover the cost of this leash; and

(6) The owner shall post a sign on his premises warning that there is a dangerous animal on the property. This sign shall be visible and capable of being read from the public street or highway. In addition the health department shall design and produce a uniform dangerous animal symbol or decal, understandable by small children which shall be made available at cost to the public. Such symbol or decal must be displayed on or about the sign; and

(7) The owner shall authorize the animal control veterinarian to implant a microchip beneath the skin of the dangerous animal for positive identification of the animal. The animal control division is authorized to charge the animal owner a fee for this service to cover costs; and

(8) The dangerous animal must be spayed or neutered; and

(9) The owner must attend a class on responsible pet ownership conducted by the health department.

(10) The owner must allow an annual inspection of the residence where the animal is kept to ensure continued compliance with all requirements of this section. More frequent inspections may be conducted in response to specific complaints regarding non-compliance with this section.

If the owner of an animal declared to be dangerous is unable or unwilling to comply with the ownership requirements listed above at anytime, the animal must be euthanized by an animal shelter, animal control agency, licensed veterinarian or the city animal control division. An animal declared to be vicious under this chapter shall not be offered for adoption or sale.

(Ord. No. 79180, § 1, 11-18-93; Ord. No. 85353, § 1, 12-19-96; Ord. No. 90494, §§ 15, 16, 9-16-99; Ord. No. 98236, §§ 6, 7, 9-25-03)

Sec. 5-152. Notification of change of status.

The owner/keeper shall notify the director of health or his designee within twenty-four (24) hours if a dangerous animal is loose, unconfined, has attacked another animal, or has attacked a person, or has died, or has been sold or given away. If the animal has been sold or given away, the owner/keeper shall provide the director of health or his designee with the name, address, and telephone number of the new owner/keeper. The new owner/keeper must sign a sworn statement that he will comply with all of the requirements of owners of dangerous animals. The new owner/keeper must comply with the requirements of owners of dangerous animals within thirty (30) days.

(Ord. No. 79180, § 1, 11-18-93)

Sec. 5-153. Penalties for violation.

(1) The owner or keeper of an animal which, when unprovoked, inflicts severe injury or death to a person or bites a person on public or private property; or which kills a

domestic animal without provocation while off the owner's property shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than two hundred dollars (\$200.00), but not more than two thousand dollars (\$2,000.00).

(2) It shall be a violation of this chapter for an owner or keeper to fail to prevent a dangerous animal from killing or wounding, or assisting in the killing or wounding of any domestic animal belonging to or in the possession of another person, or for an owner or keeper to fail to prevent a dangerous animal from attacking, assaulting, biting or otherwise injuring any person or assisting in the attack, assault, biting, or other injury of any person whether out of or within the enclosure of the owner or keeper, and whether or not such dangerous animal was on a leash or securely muzzled or whether or not the dangerous animal escaped without the knowledge or consent of the owner or keeper. The animal control official shall seize and destroy such dangerous animal in an expeditious and humane manner. In addition, the owner or keeper shall be cited for the offense, which shall be subject to a fine of not less than two hundred dollars (\$200.00) and not more than two thousand dollars (\$2,000.00).

(3) It shall be a violation of this chapter for the owner or keeper of a dangerous animal to:

- (a) Fail to have the dangerous animal licensed in accordance with this chapter; or
- (b) Have a dangerous animal outside the enclosure unless muzzled and restrained by a leash or chain as set out in section 5-151(5); or
- (c) Fail to have a proper enclosure to confine the dangerous animal; or
- (d) Fail to post signs around the premises with clear visible warning signs that there is a dangerous animal on the premises; and
- (e) Fail to post signs with an appropriate warning symbol which informs small children of a dangerous animal on the premises; or
- (f) Fail to secure and maintain public liability insurance of at least one hundred thousand dollars (\$100,000.00); or
- (g) Fail to collar the dangerous animal with a collar approved by the animal control veterinarian and visible at fifty (50) feet; or
- (h) The dangerous animal identification microchip shall be implanted in the deep subcutaneous plane of the dorsal midline just caudal to a line drawn between the scapulae of the animal by the city veterinarian. A thirty dollar (\$30.00) fee shall be paid for each implant, and no dangerous animal shall be released by the city veterinarian without the city veterinarian implanted identification computer chip. The microchip number shall be recorded at the animal control division on a registry for dangerous animals.
- (i) Fail to have the dangerous animal neutered or spayed; or
- (j) Fail to attend the class on responsible pet ownership conducted by the health department; or
- (k) Fail to notify the health department of a change of status as set out in section 5-152; or
- (l) Fail to keep the animal confined at no cost to the city during the hearing process.

If the owner of the dangerous animal is found to be in violation of any of the above, the owner shall be subject to a fine of not less than two hundred dollars (\$200.00), but not more than two thousand dollars (\$2,000.00).

(4) Exemptions. The provisions under this section shall not apply to any law enforcement agency where a dog is being used for law enforcement.

(5) A rebuttable presumption shall exist that the owner or keeper knowingly allowed a dangerous animal to be kept in inadequate confinement in any criminal complaint filed under section 5-153, subsections (1) or (2).

(Ord. No. 79180, § 1, 11-18-93; Ord. No. 85353, § 7, 12-19-96)
Secs. 5-154, 5-155. Reserved.

DIVISION 2. PET (DOGS, CATS AND FERRETS ONLY)

Sec. 5-156. Pet (dogs, cats and ferrets only) license required, application, noncompliance a crime.

(a) The owner or keeper of any dog, cat or ferret must apply for a license, and pay the license fee required by ordinance for each dog, cat or ferret before the animal attains four (4) months of age. The application shall include the name and address of the applicant, description of the animal, and have attached thereto a copy of the proof of current rabies vaccination. Any unlicensed dog, cat or ferret shall be subject to seizure and impoundment at the discretion of the investigating animal control officer or code enforcement investigator, and shall be humanely disposed of if not timely redeemed.

(b) It is a defense to prosecution under this section that the dog, cat or ferret owner is a nonresident of this city and is keeping the subject pet in the city for less than sixty (60) days. It is a defense if the dog or cat [or ferret] owner has been a resident of this city for less than thirty (30) days.

(Code 1959, § 6-34; Ord. No. 49692, § 3, 8-17-78; Ord. No. 56272, § 1, 12-16-82; Ord. No. 79180, § 1, 11-18-93; Ord. No. 82814, § 1, 9-14-95; Ord. No. 85353, § 8, 12-19-96; Ord. No. 85908, § 8, 4-17-97; Ord. No. 89879, § 1, 6-3-99)

Sec. 5-157. License period same as vaccination period.

The dog, cat or domestic ferret license will be valid for a period of twelve (12) months from the date of issuance unless revoked or unless it automatically expires due to the expiration of the pet's rabies vaccination certificate. The date of vaccination against rabies shall be the required date of purchase of the license from any veterinarian providing such service, or the animal care services division of the health department, or any of the contracted issuers of such license. If the dog, cat or domestic ferret has been vaccinated against rabies during the immediately preceding twelve (12) months, but does not have a current license from the city, the full license fee shall be required for the remaining partial vaccination certificate period. Regardless of the date of purchase of a dog, cat or domestic ferret license, it will expire the earlier of:

- (1) One year from the date of issuance, or
- (2) The expiration of the current rabies vaccination certificate.

(Code 1959, § 6-35; Ord. No. 49692, § 4, 8-17-78; Ord. No. 56272, § 1, 12-16-82; Ord. No. 82814, § 1, 9-14-95; Ord. No. 85353, §§ 2, 9, 12-19-96; Ord. No. 85908, § 15, 4-17-97; Ord. No. 98236, § 2, 9-25-03)

Sec. 5-158. Issuance of pet license tag; issuer to retain twenty-five percent.

Upon the acceptance of the dog, cat or ferret license application and collection of the license fee, the health director, his authorized animal control officer, as well as any licensed veterinarian, pet product retailer, or pet service provider located in the city which is approved by the health director, is hereby authorized to issue a dog, cat or ferret license tag which is stamped with an identifying number and provided by the city health department, animal control division. Said businesses, in order to issue dog, cat or ferret license tags, must first be approved by the health director and must enter into an agreement with the city to issue said license tags. Approved pet license issuers are hereby authorized to retain twenty-five (25) percent of the fee as set out in section 5-160 of this Code to cover the cost of issuance of said tag. Upon failure of any pet license issuer to submit a record of licenses sold, consisting of a receipt copy for each license sold, along with remittance of the funds collected for the sold license (less the twenty-five (25) percent service charge) by the end of the month following the month the license tag was sold, said business shall constitute a breach of contract and thereby automatically forfeit his contractual authorization to sell more license tags. If any outstanding license tags are not surrendered upon demand by any animal control officer, the director of health shall publish a public notice of the termination of the pet license issuing contract with the independent contractor as of the date of the public notice in a newspaper of general circulation throughout the city. The tags held by the issuer shall remain the property of the city, and shall be returned to any city animal control officer

upon demand, whether after or before the termination of the license issuing agreement. A certification by the veterinarian with possession of the records of the rabies vaccination or surgery will be sufficient proof of rabies vaccination and/or neutering/spaying.

(Code 1959, § 6-36; Ord. No. 49692, § 6, 8-17-78; Ord. No. 78208, § 1, 6-24-93; Ord. No. 82814, § 1, 9-14-95; Ord. No. 85908, § 9, 4-17-97)

Sec. 5-159. Wearing tags, exception.

(a) Dogs must wear dog license tags at all times while outdoors; provided that nothing in this Section will be construed to require dogs which are kept for show or exhibition purposes to wear such tags as long as the dogs are otherwise under restraint.

(b) Cats and ferrets shall not be required to wear license tags on a collar due to the danger of accidental strangulation. Break-away or elastic collars are recommended for cats and ferrets so that the license tag can be attached to identify a lost cat or ferret for return to its owner. Upon request of the health director or his authorized animal control officer, however, the owner or keeper of any cat or ferret licensed in accordance with section 5-158 shall display such tag or license receipt for the animal in question to any requesting officer.

(Code 1959, § 6-37; Ord. No. 49692, § 7, 8-17-78; Ord. No. 82814, § 1, 9-14-95; Ord. No. 85908, § 10, 4-17-97)

Sec. 5-160. Fees; exempted pet dogs, cats and ferrets; required record of numbers; duplicate tags; term of validity.

(a) *Fees.* A dog, cat or ferret license shall be issued after payment of the applicable fee, to wit:

- (1) For each unneutered male pet: \$20.00
- (2) For each unspayed female pet: \$20.00
- (3) For each neutered male pet: \$5.00
- (4) For each spayed female pet: \$5.00

(b) *Exemptions.* Dog license fees shall not be required for governmental police dogs, or dogs depended upon by a physically handicapped individual to alleviate or compensate for the person's handicap or for any dog properly trained to guide or otherwise assist a physically handicapped person. Such dogs shall be issued a complimentary license upon the presentation of proof of vaccination, except that such proof will not be required of governmental police dogs.

(c) *Recording identifying numbers.* The director of health shall maintain a record of the identifying numbers of all dog, cat and ferret license tags issued, and shall make these records available to the public.

(d) *Duplicate tags.* A duplicate pet license tag may be obtained upon payment of a three dollar (\$3.00) replacement fee and presentation of the original pet license receipt.

(e) *Term.* If not revoked, dog, cat and domestic ferret licenses for the keeping of the pet shall be valid for a period of one (1) year, which will begin with the date of the animal's rabies vaccination.

(f) *Disposition of fees.* Fees collected under this section will be deposited into the city general fund.

(Code 1959, § 6-38; Ord. No. 49692, §§ 5, 8--11, 8-17-78; Ord. No. 54275, § 4, 9-17-81; Ord. No. 61333, § 1, 8-29-85; Ord. No. 67911, § 3, 9-15-88; Ord. No. 74294, § 2, 9-12-91; Ord. No. 82814, § 1, 9-14-95; Ord. No. 85908, § 11, 4-17-97; Ord. No. 92516, §§ 1, 2, 9-14-00; Ord. No. 98236, § 3, 9-25-03)

Sec. 5-161. Nontransferability.

No person may use any pet dog, cat or ferret license for any animal other than the one for which it was issued.

(Code 1959, § 6-39; Ord. No. 49692, § 12, 8-17-78; Ord. No. 82814, § 1, 9-14-95; Ord. No. 85908, § 12, 4-17-97)

Sec. 5-162. Review upon frequent violations.

The director of health shall review any and all dog, cat or ferret licenses issued to any animal owners against whom four (4) or more convictions have been obtained with a period of one (1) year under ordinance provisions codified in articles IV, V, and VI, chapter 5 of the City Code (related to vaccination and/or failure to restrain any licensed pet) have been obtained within a period of one (1) year; and, shall revoke said license as to the subject pet(s) and notify the subject animal owner of said revocation if, after the health director or his appointed representative conducts an administrative hearing, and determines that the public health and safety are at risk while the licensed pet owner or any member of this household has possession or control of the subject animals. Certified mail notice of the time and place of said hearing shall be mailed to the last known address of the pet license owner at least ten (10) days prior to said hearing.

(Code 1959, § 6-40; Ord. No. 49692, § 29, 8-17-78; Ord. No. 82814, § 1, 9-14-95; Ord. No. 85908, § 13, 4-17-97)

Secs. 5-163--5-175. Reserved.

ARTICLE V. RABIES CONTROL*

*State law references: Rabies Control Act, Vernon's Ann. Civ. St. art. 4477-6a.

Sec. 5-176. Required vaccination; penalty.

An owner of a dog, cat or domestic ferret must have the animal vaccinated against rabies in a manner that satisfies the requirements of state law. (Code 1959, § 6-45.2; Ord. No. 49692, § 2, 8-17-78; Ord. No. 79180, § 1, 11-18-93; Ord. No. 85353, § 4, 12-19-96; Ord. No. 85908, § 14, 4-17-97; Ord. No. 89879, § 2, 6-3-99; Ord. No. 98236, § 4, 9-25-03)

Sec. 5-177. Reporting, bites, scratches; zoonotic diseases.

(a) *Biting or scratching report required.* Any veterinarian or person having knowledge of an animal having bitten, scratched or injured a person or other animal, within the corporate limits of the city shall report the incident to the animal control division immediately.

(b) *Zoonotic disease report required.* Any veterinarian or other person having knowledge of an animal diagnosed as having Tuberculosis, Plague, Leptospirosis, Leishmaniasis, Rabies, Toxoplasmosis, Brucellosis, Borreliosis, Psittacosis, Equine Encephalomyelitis, or Coccidioidomycosis shall report same to the animal control veterinarian within five (5) days.

(c) *Owner required to inform injured person.* The owner of such diseased or biting or scratching animal who learns of such incident shall immediately give his name and address together with the animal's license tag number and date of last rabies vaccination to the person bitten or injured or to a parent or guardian of such person who is under the age of eighteen (18) years. The owner shall notify the animal control division within twenty-four (24) hours of his name; the animal's license tag number; the name of the injured person, and other information requested by the animal control division related to the animal and injured party.

(d) *Seizure of biting animal.* If the owner/keeper does not surrender the animal, the animal control veterinarian or any appointed animal control officer shall seize and impound any animal for rabies observation upon the sworn affidavit of any person with knowledge that the animal has bitten a person or another animal. An administrative search warrant shall be obtained from any municipal court judge or other magistrate to enter onto private property to search for the biting animal if permission to enter is not given.

(Code 1959, § 6-45.3; Ord. No. 49692, § 40, 8-17-78; Ord. No. 65067, § 7, 5-21-87; Ord. No. 79180, § 1, 11-18-93)

Sec. 5-178. Confinement of biting, scratching animals.

(a) The owner of any animal within the city which has bitten or scratched a person so as to have caused an abrasion of the skin shall, on demand of the director of health or any animal control officer, immediately surrender such animal to the animal control facility or a licensed veterinary hospital for observation for a period lasting not more than ten (10) days after the date of the incident, subject to the provisions of subsection (b) below, except that ferrets shall be surrendered and placed under observation for a period of thirty (30) days.

(b) The owner of any animal that has bitten or scratched any person shall be allowed to assume personal responsibility for confining the animal for the observation period of ten (10) days, except for domestic ferrets which shall remain under observation for thirty (30) days, only under the following circumstances:

(1) Secure facilities must be available at the home of the animal's owner, and must be approved by the director of health; and

(2) The animal is currently vaccinated against rabies when the exposure incident occurred.

(3) The animal was not in violation of any laws or ordinances at the time of the bite; and

(4) The city veterinarian or a licensed veterinarian must observe the animal at least on the first, and last days of the quarantine period. If the animal becomes ill during the observation period the director of health must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing by the veterinarian.

(c) If an animal is believed to have rabies or has been bitten by an animal suspected of having rabies, such animal shall be quarantined for observation by a veterinarian for the appropriate period.

(d) The violation of the observation confinement of the biting animal as provided in subsection (b) shall be just cause for seizure and confinement of the animal in the animal control facility of the city.

(e) No wild animals will be placed in quarantine. All wild animals involved in biting incidents will be humanely euthanized in such a manner that the brain is not mutilated. The brain shall be submitted to a Texas Department of Health certified laboratory for rabies diagnosis.

(Code 1959, § 6-45.4; Ord. No. 65067, § 8, 5-21-87; Ord. No. 79180, § 1, 11-18-93)

Sec. 5-179. Concealment, sale, etc., of biting animal prohibited.

It shall be unlawful for any owner within the corporate limits of the city to conceal, sell, give away or otherwise dispose of an animal that has bitten or scratched another animal or a human, or to otherwise permit the animal to be taken beyond the corporate limits of the city after having knowledge of the animal's having bitten or having so injured another animal or a person as to cause an abrasion of the animal's or person's skin, until such animal is released by the director of health.

(Code 1959, § 6-45.6.2; Ord. No. 49692, § 47, 8-17-78)

Sec. 5-180. Confinement of animals exposed to rabies.

The owner of any animal infected with rabies, or who reasonably suspects his animal of having such an infection, shall notify the police department or the animal control facility of the fact that his animal has been exposed to rabies. The director of public health is empowered to have such animal removed from the owner's premises to the animal control facility, or at the request of the owner, such animal may be placed in the veterinary hospital, and shall be placed under observation for a period of ten (10) days. Whether confined in the animal control facility or the veterinary hospital, the owner shall bear the expense of the confinement.

(Code 1959, § 6-45.4; Ord. No. 49692, §§ 41--43, 50, 51, 8-17-78)

Sec. 5-181. Confinement at owner's expense; payment.

Any animal surrendered to the animal control facility for the purpose of observation as provided in this article shall be kept at the facility and shall be fed and cared for at the expense of the owner for a fee of seven dollars (\$7.00) per day. Such fee is to be paid to the city before the animal can be reclaimed from the animal control facility at the end of the authorized quarantine and observation period.

(Code 1959, § 6-45.6; Ord. No. 49692, § 45, 8-17-78; Ord. No. 56272, § 1, 12-16-82; Ord. No. 92516, § 7, 9-14-00)

Sec. 5-182. Release of animal subject to certification by veterinarian.

No animal shall be released from the observation period provided for in this article unless a licensed veterinarian certifies in writing to the director of public health that such animal is not showing symptoms of rabies. Exemption from placing such animal in the animal control facility or in a veterinary hospital as provided in section 5-178(b) shall not exempt such owner from securing a proper release, as provided above.

(Code 1959, § 6-45.5; Ord. No. 49692, § 44, 8-17-78)

Sec. 5-183. Euthanization of rabid animals, wild biting animals.

When in the opinion of the director of public health the animal has exhibited signs of incipient rabies, the animal will be immediately euthanized and the brain submitted to a laboratory approved by the director of public health for diagnosis. In the case of biting wild animals, euthanasia shall be performed immediately and the brain submitted for diagnosis.

(Code 1959, § 6-45.6.1; Ord. No. 49692, § 46, 8-17-78)

Sec. 5-184. Impoundment of animals unclaimed after quarantine.

Any animal not reclaimed by its owner within twenty-four (24) hours of the expiration of the quarantine or observation period provided in this article as determined by the director of public health shall immediately be impounded, as provided for in this article.

(Code 1959, § 6-45.6.3; Ord. No. 49692, § 48, 8-17-78)

Sec. 5-185. Notification of authorities upon knowledge of rabid animal.

Any person having knowledge of any animal being infected with rabies or reasonably suspecting such infection shall immediately notify the animal control facility or the police department of such fact or suspicion giving the name of the owner, possessor, keeper or harbinger of such animal, if the same be known, together with a description of such animal and where such animal may be found.

(Code 1959, § 6-45.6.4; Ord. No. 49692, § 49, 8-17-78)

Sec. 5-186. Final disposition of rabid, nonrabid animals.

Where an animal has been bitten by another animal, and the biting animal described in this section is determined not to have rabies, then both animals will be released from observation. If the biting animal is determined to be rabid, and the animal victim is possessed of a current vaccination certificate, then the owner of the animal victim will have the option of immediately having the animal victim humanely euthanized, or, in the alternative, revaccinated and quarantined for a period of ninety (90) days. However, if the animal victim is not possessed of a current vaccination certificate, then the owner of said animal victim will have the option of immediately having said animal victim humanely euthanized, or, in the alternative, revaccinated and quarantined for a period of one hundred eighty (180) days.

(Code 1959, § 6-45.6.5; Ord. No. 49692, § 52, 8-17-78)

Sec. 5-187. Health emergencies.

Upon a finding by the director of public health that a health emergency exists due to the imminent threat of rabies or other disease communicable by animals, he shall have the authority to order that all unrestrained animals be impounded and destroyed immediately; provided, however, no emergency order shall continue for a period of longer than seven (7) days without the consent of the city council.

(Code 1959, § 6-45.6.6; Ord. No. 50987, § 9, 7-12-79)

Secs. 5-188--5-200. Reserved.

ARTICLE VI. ANIMAL NUISANCES

Sec. 5-201. Misdemeanor violations by animal owners; presumptions.

(a) An animal owner commits a misdemeanor offense if by act, omission or possession he creates an animal nuisance or an animal nuisance per se.

(b) No culpable mental state shall be required to support a conviction under subsection (a).

(c) The following presumptions are hereby declared applicable in the prosecution of an offense pursuant to subsection (a):

(1) The filing of a complaint by two (2) or more neighbors, within a twelve-month period, regarding the barking of an animal kept by its owner shall give rise to the presumption that an owner keeps an animal which barks or whines in such a manner, with such intensity, or with such continued duration so as to annoy, distress or disturb the quiet, comfort or repose of persons of normal nervous sensibilities. For the purpose of this presumption, each neighbor must occupy a different residence;

(2) The fact that an animal in question has bitten or injured another animal or human being during the previous eighteen (18) months shall give rise to the presumption that the animal bites or injures other animals or human beings without provocation;

(3) The fact that an animal in question has damaged or destroyed public or private property during the last twelve (12) months shall give rise to the presumption that the animal has a propensity to destroy property.

(Code 1959, § 6-25; Ord. No. 50987, § 5, 7-12-79; Ord. No. 53335, § 2, 1-29-81)

Sec. 5-202. Impounding animals creating animal nuisance per se.

Animal control officers or other law enforcement officers shall have the power to impound animals which create an animal nuisance per se for the purpose of abating the nuisance as follows:

(1) On public property, in all cases;

(2) On private property, if:

a. The consent of the resident or property owner is obtained,

b. The officer reasonably believes there is immediate and imminent danger or peril to the public if the animal in question is not impounded, or

c. Authorized by appropriate courts of law.

(Code 1959, § 6-26; Ord. No. 50987, § 7, 7-12-79; Ord. No. 53335, § 4, 1-29-81)

Sec. 5-203. Impounding unrestrained animals.

Animal control officers or other law enforcement officers shall have the power to impound unrestrained animals for the purpose of abating the nuisance as follows:

(1) On public property, in all cases;

(2) On private property, if the consent of the resident or property owner is obtained;

(3) On private property, in all cases except the rear yards of residences, if the officer reasonably believes that the animal will run at large if not impounded.

(Code 1959, § 6-27; Ord. No. 50987, § 5, 7-12-79; Ord. No. 53335, § 4, 1-29-81)

Sec. 5-204. Impounding procedures.

Animal control officers or other law enforcement officers authorized pursuant to section 5-202 or 5-203 to abate a nuisance, shall, prior to impounding an animal, leave notice at the residence of the premises where the unrestrained animal was found stating the kind and type of animal seized, the place where the animal is to be impounded, the hours when it may be reclaimed by the owner and the length of time it is to be held; provided the animal control officers or other law enforcement officers shall:

(1) Release the animal to the owner, if the animal was found restrained on the owner's premises and the owner agrees to restrain the dog in the future; or

(2) Release the animal to the owner if the animal was found unrestrained outside the owner's premises but the owner readily presents himself and agrees to restrain the dog in the future.

(Code 1959, § 6-28; Ord. No. 50987, § 5, 7-12-79)

Sec. 5-205. Return of captured animal to owner.

(a) *In lieu of impoundment.* In addition to the issuance of a citation, the animal control officer may return an animal found at large to the known owner in lieu of impounding the animal.

(b) *Owner may redeem impounded animal.* The owner may redeem an impounded animal during normal business hours by paying the impoundment fee, boarding fees, and the pre-release rabies vaccination fee if required by law for the subject species and proof of valid current vaccination cannot be produced.

(Code 1959, § 6-42; Ord. No. 49692, §§ 21, 22, 8-17-78; Ord. No. 79180, § 1, 11-18-93; Ord. No. 98236, § 5, 9-25-03)

Sec. 5-206. Notifying owner of impounded animal.

If the known owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner at the address stated on the records of the director of public health.

(Code 1959, § 6-42; Ord. No. 49692, §§ 21, 22, 8-17-78)

Sec. 5-207. Maximum time animals impounded; euthanasia authorized.

Impounded unowned dogs and cats shall be kept for not less than two (2) working days and then euthanized. In the case of owned animals held for the ten (10) day observation after a biting incident, the city will dispose of any unclaimed animal before this two (2) day period if the owner releases ownership of the animal to the city.

If any animal is determined by a licensed veterinarian to be suffering from disease or injury such that the animal is in pain or is beyond reasonable medical help, the animal may be euthanized immediately. In such a case, holding times otherwise specified in this Code will not apply.

(Code 1959, § 6-43; Ord. No. 49692, § 23, 8-17-78; Ord. No. 50987, § 6, 7-12-79; Ord. No. 51719, § 2, 1-17-80; Ord. No. 55069, § 7, 3-11-82; Ord. No. 65067, § 4, 5-21-87)

Sec. 5-208. Unclaimed animals.

Any animal not reclaimed by its owner within the above stated two (2) working days shall become the property of the city, for humane disposition, and may be offered for adoption or sale, or humanely euthanized at the discretion of the city veterinarian. The selection of an animal for adoption during the reclamation period or the following adoption period shall not confer any ownership right or right of possession to the animal.

(Code 1959, § 6-44; Ord. No. 49692, § 24, 8-17-78; Ord. No. 50987, § 7, 7-12-79; Ord. No. 55069, § 8, 3-11-82; Ord. No. 79180, § 1, 11-18-93)

Sec. 5-209. Charges for reclaiming, adopting impounded animals; liability of claimant.

(a) Any owner reclaiming an impounded animal shall, before the animal will be released to him, pay impoundment and boarding fees as follows:

(1) *Impoundment fees:*

1st time impounded . . . \$ 35.00

2nd time impounded . . . 75.00

3rd time impounded . . . 100.00

4th and subsequent times impounded . . . 200.00

Provided, however, if the animal is being held for observation because the animal has bitten a human being or another animal, the impoundment fee shall be as follows:

1st time impounded . . . \$ 35.00

2nd time impounded . . . 100.00

3rd and subsequent times impounded . . . 200.00

(2) *Board fee:* Seven dollars (\$7.00) per day for each day impounded.

(b) No animal shall be released from the animal care facility without the owner presenting proof that the animal has had a rabies vaccination in compliance with the requirements of state law. An owner of any dog or cat who cannot provide proof of said rabies vaccination shall be subject to a fee of twenty dollars (\$20.00) for rabies vaccination of each dog or cat. Animal transfer organizations approved by animal care services will be assessed a rabies vaccination fee of five dollars (\$5.00). An owner of any domestic ferret who cannot provide proof of said rabies vaccination shall be subject to a fee of ten dollars (\$10.00) for rabies vaccination of each domestic ferret. In addition, if an animal is unlicensed the owner shall pay the license fee as outlined in section 5-160 and no animal shall be released without obtaining said animal license.

(c) Any citizen claiming or adopting any animal under the provisions of this section shall be liable only for the payment of fees for vaccination, spay/neuter surgery (if already accomplished), and licensing, if necessary.

(d) All animals adopted from the animal control facility shall be spayed or neutered within thirty (30) days unless this procedure has already been accomplished or the animal is less than six (6) months of age. Persons adopting an animal less than six (6) months of age shall agree to have it spayed or neutered when it becomes six (6) months old. A forty dollar (\$40.00) spay/neuter deposit will be collected and deposited with the city treasurer for each pet adopted that has not yet been spayed or neutered. This deposit will be returned by the city treasurer upon application and presentment of a valid spay/neuter certificate. The animal control division is authorized to collect a twenty-five dollar (\$25.00) fee for each pet spayed or neutered if the owner desires the animal control facility veterinarian to perform the procedure. The animal control division is authorized to collect an eight dollar (\$8.00) fee for each heart worm test conducted on each pet adopted from the animal control facility.

(e) The city animal control facility is authorized to accept animals for humane disposition from individuals who reside in the city or in other municipalities or in unincorporated areas of Bexar County. The city animal control facility is authorized to accept animals for humane disposition from Bexar County for animals in the unincorporated areas of Bexar County as long as the city and county maintain a joint animal control program by contractual agreement. The city animal control facility is authorized to accept animals for humane disposition from other municipalities in Bexar County as long as the city and the other municipality in Bexar County maintain a joint animal control program by contractual agreement. The following animal disposition fees shall be charged:

(1) A non-resident animal service fee of fifty dollars (\$50.00) shall be charged per animal.

(2) A fee of twenty-five dollars (\$25.00) shall be charged for animal pickup of owner surrendered animals.

(3) A fee of twenty-five dollars (\$25.00) shall be charged per litter of kittens or litter of puppies turned in to animal care services.

(4) A fee of twenty-five (\$25.00) shall be charged for each animal that is turned in for euthanasia by an owner.

(f) The health department, animal control division, shall refund fees paid by persons who adopted an animal that dies within two (2) weeks of adoption due to apparent congenital illness or communicable disease that could have been contracted by the animal prior to adoption.

(g) The health department, animal control division, shall recover the cost of spaying and neutering adopted animals when the service is performed by the department, by requiring the payment of a twenty-five dollar (\$25.00) fee.

(h) At the time animals are reclaimed from the animal care facility they may, at the option of the owner, be identified by the implantation of a microchip so the animal, if ever lost or stolen, can be returned to its owner. The fee for this service is ten dollars (\$10.00). If the animal has been microchipped prior to adoption when spayed or neutered, the ten dollar (\$10.00) fee will be added to the cost of adoption. Fees collected under this section shall be deposited into the city general fund.

(Code 1959, § 6-45; Ord. No. 49692, §§ 25--27, 8-17-78; Ord. No. 50987, § 8, 7-12-79; Ord. No. 54275, §§ 5, 6, 9-17-81; Ord. No. 57568, §§ 1, 5, 9-15-83; Ord. No. 59313, § 4, 9-4-84; Ord. No. 61583, 10-10-85; Ord. No. 74294, § 3, 9-12-91; Ord. No. 79180, § 1, 11-18-93; Ord. No. 86606, §§ 2, 4, 6, 9-11-97; Ord. No. 87292, §§ 1, 2, 1-29-98; Ord. No. 90494, §§ 5, 6, 17, 9-16-99; Ord. No. 90502, § 1, 9-16-99; Ord. No. 92516, §§ 13--18, 9-14-00; Ord. No. 94584, § 26, 9-20-01; Ord. No. 98187, § 5, 9-18-03; Ord. No. 101389, §§ 1--4, 9-15-05)

Sec. 5-210. Liability of owners of impounded animals.

(a) The owner of an animal impounded remains subject to prosecution for violation of this article regardless of reclamation or nonreclamation.

(b) The owner of an impounded animal remains liable for the fees incident to impoundment, regardless of reclamation of the animal or nonreclamation.

(Code 1959, § 6-45.1; Ord. No. 49692, §§ 30, 31, 8-17-78)

Sec. 5-211. Abatement of animal nuisance complaint and citation; summary statement; due process hearing by the animal nuisance hearing officers.

(a) Any person may, upon presentation of a duly executed affidavit stating the existence of an animal nuisance, as defined in this chapter, and identifying the name and address of the owner or owners of such animal may request the city prosecutor to file a complaint in municipal court against the owner or owners of such animal under the provisions of this chapter. The filing of a complaint by the city prosecutor will result in the issuance of a citation to the owner or owners of the animal in question.

(b) Animal control officers and other law enforcement officers may issue the owner or owners of animals creating an animal nuisance as defined in this chapter, a citation to appear in municipal court to answer the offense charged.

(c) The animal control veterinarian or any appointed animal control officers, after an on-site investigation of any reported animal nuisance, is hereby authorized to abate an animal nuisance by summary seizure and temporary impoundment of the animal(s) causing or constituting the alleged nuisance until an administrative hearing can be conducted to determine if, by the greater weight of the evidence, an animal nuisance existed. The animal control officer or other law enforcement officer authorized to abate a nuisance shall, prior to impounding an animal, leave a written "Animal Nuisance Determination Hearing Notice" on the main entrance door of the residence or structure, or with any adult resident at the premises where the animal nuisance was found. Said hearing shall be conducted by an animal nuisance hearing officer appointed by the director of health at the animal control facility or other location stated on the above described notice not later than three (3) working days after impoundment. Failure of the owner or keeper of the subject animal to appear at said hearing shall constitute agreement with the ruling of the animal nuisance hearing officer. The impoundment and boarding fees shall not be charged if no animal nuisance is found to exist in the opinion of the animal nuisance hearing officer.

(Code 1959, § 6-29; Ord. No. 50987, § 5, 7-12-79; Ord. No. 79180, § 1, 11-18-93)

Sec. 5-212. Enforcement; interference with animal control officer, police.

(a) The provisions of this article shall be enforced by the director of public health and his designated agents and the police department. It shall be a violation of this article to interfere with an animal control officer or a police officer in the performance of his duties.

(b) Interference is presumed when the owner, keeper, or harbinger or possessor of an animal in noncompliance refuses to surrender the animal on demand to the animal control officers, provided that the demand is in accordance with the provisions of this article.

(Code 1959, § 6-31; Ord. No. 49692, §§ 54, 55, 8-17-78)

Sec. 5-213. Enforcement by injunctive relief.

Where it is deemed necessary by the city manager and the director of public health, the city attorney's office is hereby empowered to secure injunctive relief to enforce the provisions of this article. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this article.
(Code 1959, § 6-33; Ord. No. 49692, § 57, 8-17-78)

Sec. 5-214. Joint animal vaccination drives.

The health department is hereby authorized to conduct periodic rabies vaccination drives in cooperation with the Veterinary Medical Association of Bexar County for the public health benefit of the community. All dog license revenues from these drives shall be shared equally by the City of San Antonio and the Veterinary Medical Association of Bexar County when the Veterinary Medical Association provides all rabies vaccine for said drives. As an incentive for participation, the director of health is authorized to advertise and charge a reduced dog license fee equal to no more than fifty (50) percent of the usual fee at the vaccination drive sites only, and only for the duration of the vaccination drive.
(Ord. No. 78208, § 2, 6-24-93)