CITY OF FRISCO, TEXAS **ORDINANCE NO.** 08-01-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS; REPEALING ORDINANCE NO. 05-04-27; ESTABLISHING COMPREHENSIVE RULES AND REGULATIONS RELATING TO THE CONTROL OF ANIMALS; PROVIDING FOR DEFINITIONS; PROVIDING FOR RABIES CONTROL; PROVIDING FOR HUMANS BITTEN OR SCRATCHED BY ANIMALS SUSCEPTIBLE TO RABIES; PROVIDING FOR QUARANTINE PROCEDURE FOR BITING/SCRATCHING ANIMALS; PROVIDING FOR DOG, CAT AND FERRET REGISTRATION; PROVIDING FOR FEES; PROVIDING FOR PROTECTION OF ANIMALS; PROVIDING FOR ANIMAL NUISANCES; PROVIDING FOR PROHIBITION OF CERTAIN ANIMALS; PROVIDING REQUIREMENTS FOR DANGEROUS ANIMALS; PROVIDING FOR PUBLICATION AND NOTICE WHERE DANGEROUS ANIMALS RESIDE, PROVIDING FOR IMPOUNDMENT FEES; PROVIDING ANIMAL OWNERSHIP LIMITATION; PROVIDING FOR REQUIREMENTS OF LIVESTOCK; PROVIDING FOR REQUIREMENTS OF CERTAIN FOWL; PROVIDING FOR TREATMENT OF ANIMALS; PROVIDING FOR SANITARY CONDITIONS; PROVIDING FOR TRAPS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR EXEMPTION OF CITY OFFICIALS FROM LIABILITY; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the City of Frisco, Texas ("City of Frisco") and its citizens to establish comprehensive rules and regulations for animal control in Frisco; and

WHEREAS, the City Council has further investigated and determined that it would be advantageous and beneficial to the citizens of City of Frisco to repeal Ordinance No. 05-04-27; and

WHEREAS, the City Council finds and determines that it will be advantageous, beneficial and in the best interest of the public health, safety and welfare to adopt this Ordinance in order to provide for comprehensive rules and regulations for animal control in City of Frisco; and

WHEREAS, the City Council finds that all legal notices, hearings, procedures and publishing requirements for this Ordinance, if any were required, have been performed and completed in the manner and form set forth by law.

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

SECTION 1: FINDINGS INCORPORATED. The findings set forth above are incorporated into the body of this Ordinance as full set forth herein.

SECTION 2: REPEAL OF ORDINANCE 05-04-27. Ordinance No. 05-04-27 is hereby repealed in its entirety and replaced by this Ordinance. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance, at which time Ordinance No. 05-04-27 is shall be repealed. Such repeal shall not abate any pending prosecution and/or lawsuit and/or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance No. 05-04-27 occurring before the effective date of this Ordinance.

SECTION 3: DEFINITIONS. For the purposes of this Ordinance, when not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural, and the use of any gender shall be applicable to all genders whenever the sense requires. Words not defined in this Section shall be given their common and ordinary meaning.

1. Abandoned Animal: Any Animal that has not been provided one (1) or more of the necessities of life, which includes air, food, water or protection from the sun and other elements of nature or has been left in the custody of another person without their consent. For the purpose of this Ordinance, an Animal not reclaimed from the City of Frisco's authorized Animal Shelter agent(s), within three (3) days of the date the City of Frisco's authorized Animal Shelter agent came into possession of the Animal, shall also be considered abandoned.

2. Animal: Any live, vertebrate creature, Domestic or wild, including but not limited to, dogs, cats, pigs, horses, birds, fish, mammals, reptiles, fowl, and livestock, but specifically excluding human beings.

3. Animal Control: The Director of the Planning & Development Services Department or his/her designee, of the City of Frisco, or its designee, as determined by the City Manager of the City of Frisco.

4. Animal Control Officer: Any person designated by the City Manager or the Director of the Planning & Development Services Department through written agreement or otherwise, to enforce the provisions of this Ordinance and who is authorized to receive reports of Animal bites, investigate bite reports, administer euthanasia, ensure quarantine of suspect rabid Animals, and otherwise carry out provisions of Frisco laws and State of Texas laws relating to Animals, including, without limitation,

Rabies control and eradication.

5. Animal Nuisance: Any Animal which physically molests passers-by or passing vehicles; attacks other Animals or persons, trespasses on school grounds; roams at large; damages public or private property; or creates a noise disturbance in an excessive, continuous or untimely fashion.

6. Animal Shelter: A facility operated by the City of Frisco or its agents or designees for the purpose of impounding or caring for Animals held under the authority of this Ordinance or State or Federal laws.

7. Assistance Animal or Therapy Animal: An Animal that is specially trained or equipped to help a human being that is diagnosed by a licensed physician with a physical challenge or emotional disorder. The licensed physician shall provide in writing to Animal Control that removal of the Animal would be detrimental to the person who requires the Animal for assistance.

8. At Large: An Animal, including fowl or livestock, not in a Secure Enclosure or not completely confined by a building, wall, pen or fence of sufficient strength of construction, to physically restrain the Animal on the premises behind the front building line of the Owner or Custodian, or an Animal that is not under the physical restraint of the Owner or Custodian or any other person authorized by the Owner to care for the Animal by leash, cord, chain, or rope.

9. Cat: Any live or dead cat that is a member of the feline family (felis catus).

10. Commercial Stable: A facility or property where a fee is charged to house, pasture, board, let, or rent horses, cattle, or other livestock and meets all other requirements of the City of Frisco Comprehensive Zoning Ordinance No. 00-11-01, as it currently exists or may be amended.

11. Currently Vaccinated: Vaccinated and satisfying the following criteria:

    a. The Animal must have been vaccinated against Rabies according to the label recommendations of a USDA-approved Rabies vaccine.
    b. At least thirty (30) days have elapsed since the initial vaccination.
    c. The time elapsed since the most recent rabies vaccination has not exceeded the label recommendations of the USDA-approved Rabies vaccine.

12. Custodian: Any human being or agency which feeds, shelters, harbors, has possession or control, or has the responsibility to control an Animal.

13. Dangerous Animal: An Animal that:
    a. makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than a Secure Enclosure in which the Animal was being kept and that was certain to prevent the Animal from leaving the Secure Enclosure on its own; or
    b. commits unprovoked acts in a place other than the Secure Enclosure in which the Animal was being kept and was reasonably certain to prevent the Animal from leaving the Secure Enclosure on its own, and those acts cause a person to reasonably believe the Animal will attack and cause bodily injury to that person.

14. Dog: Any live or dead dog that is a member of the canine family (canine familiaris).

15. Domestic: Includes all Domesticated species of Animals adapted to live in intimate association with human beings or for the advantage of humans commonly accepted as being Domesticated, excluding Hybrids.

16. Domestic Ferret: Any ferret (Mustela putorius furo) owned or harbored by an Owner and is currently vaccinated by a licensed Veterinarian for Rabies.

17. TDSHS: The Texas Department of State Health Services, Zoonosis Control Division, as it currently exists or may be amended.

18. Euthanasia: A humane, painless method to end life for suffering, injured, contagious, or sick Animals or as required by any State or Federal law, as it currently exists or may be amended.

19. Harboring: The act of keeping and caring for an Animal or of providing a premise or other location to which the Animal returns for food, shelter or care for a period of three (3) consecutive days. This excludes the feeding of local or migratory birds (Domestic or wild) on public or private property.

20. High Risk Animal: An Animal that has a high probability of transmitting Rabies including, but not limited to, skunks, bats, coyotes, raccoons, and foxes.

21. Home Quarantine: Strict isolation of a Domestic Animal secured within a cage, crate, pen, or other LRCA approved isolation area, that consists of four (4) sides, a top, and bottom. The isolation area shall provide sufficient space to occupy the Animal. Such isolation area shall prevent escape by the Animal; prohibit all contact with other Animals and any

human beings by the Animal (with exception of the Pet Owner). One (1) Pet Owner who resides with the Animal will be the sole care and maintenance provider for the Animal during the Home Quarantine observation period.

22. Hybrid: Any offspring of two (2) Animals of different species.

23. Impoundment: The seizing, taking, collecting, confining, or capturing of an Animal.

24. Isolation: The confinement of an Animal in a secure enclosure that prohibits all interaction with other human beings or Animals (except one (1) person responsible for the care of the isolated Animal) to prevent the spread of disease or to observe an Animal's health.

25. Kennel: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling Pet Animals, except as prohibited by the City of Frisco's Comprehensive Zoning Ordinance No. 00-11-01, as it currently exists or may be amended. Kennels are permitted only in zoning districts that allow that use.

26. Large Livestock: Horses or any member of the Domesticated horse family, including but not limited to, mules, donkeys and ponies; all types and varieties of cattle; alpacas, and other Animals of the same approximate size and weight deemed by Animal Control to be Large Livestock.

27. Local Rabies Control Authority (LRCA): The Code Enforcement Division Administrator or his/her designee of Animal Control shall serve as the Local Rabies Control Authority (LRCA). He/she shall be authorized to enforce this Ordinance, receive reports of Animal bites/scratches, investigate bite/scratch reports, ensure Quarantine of possible rabid Animals, ensure Quarantine of biting/scratching Animals, and otherwise carry out provisions of the Texas Health & Safety Code, Chapter 826, as it currently exists or may be amended, to control and eradicate Rabies.

28. Low Risk Animals: Animals that have a low probability of transmitting Rabies, including, but not limited to, rats, mice, squirrels, gophers, beavers, prairie dogs, muskrats, nutria, jackrabbits, cottontails, swamp rabbits, opossums, shrews, moles, armadillos, or any Animals of the orders Rodentia, Lagomorpha, Didelphimorphia, Insectivora or Xenarthra.

29. Observation Period: Time following an incident that an Animal's health status is monitored.

30. Owner: Any person, firm, entity, or corporation having ownership of any Animal; or a person who has, harbors or keeps, or causes or permits to be harbored or kept, any Animal in his/her care or who permits an Animal to remain on or about his/her premises or who has custody or control of any Animal. Proof that a person is in control of a premise where an Animal is usually kept, harbored or maintained shall establish a prima facie presumption that such person is the Owner of such Animal.

31. Pet Animal: Includes Domestic dogs, Domestic cats, Domestic ferrets, rabbits, rodents, birds, reptiles and any other species of Animal that are customarily sold or retained as a household pet, but shall not include swine and Wild Animals, such as, among others, skunks, squirrels, coyotes, foxes, opossums, bats, non-human primates, and any other species of wild, poisonous or carnivorous Animal that may be further restricted in this Ordinance or regulated by any State or Federal law, as it exists or may be amended.

32. Police Dog: A Domestic dog that is owned or employed by a governmental law enforcement agency.

33. Primary Enclosure: Any structure used to immediately restrict an Animal to a limited amount of space, including a cage, pen, room, pet carrier or a structure approved by the LRCA, or his/her designee.

34. Quarantine: The Observation Period during which a biting/scratching Animal or an Animal suspect of Rabies is physically confined for observation as provided by local, State or Federal laws, as they exist or may be amended.

35. Rabies: An acute viral disease of human beings and Animals affecting the central nervous system and customarily transmitted by an infected/contagious warm-blooded Animal.

36. Secure Enclosure: A fenced area behind the front building line or inside of a structure that is:
    a. locked;
    b. capable of preventing any entry by the general public, including children;
    c. capable of preventing the escape or release of an Animal;
    d. clearly identified or marked as containing a Dangerous Animal with a sign no less than twelve inches by twelve inches (12" x 12"); and
    e. secured in such a fashion to prevent an Animal from exiting of its own volition through any openings (i.e., windows, screen windows,

screen doors, etc.) or other means.

37. Small Livestock: All types of Domesticated swine (in excess of one hundred, twenty-five (125) pounds), sheep, lambs, goats, and other Animals of the same approximate size and weight or deemed as such by Animal Control to be Small Livestock.

38. Stray Animal: Any Animal for which there is no identifiable Owner, Custodian, or Harborer and/or is a public nuisance and may be impounded.

39. Supervisor of Animal Control: The person designated by the City Manager or his/her designee to supervise all aspects and operations of Animal Control.

40. USDA: The United States Department of Agriculture.

41. Vaccinated: Properly injected with an approved Rabies vaccine licensed for use in that species by the United States Department of Agriculture (USDA) and administered by a licensed Veterinarian.

42. Veterinarian: A Veterinarian licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in the State of Texas or a person who practices veterinary medicine on an installation of the armed forces or National Guard.

43. Veterinary Hospital/Clinic: Any establishment maintained and operated by a licensed Veterinarian for surgery, diagnosis, and treatment of diseases and injuries of Animals.

44. Wild Animal: Any Animal that is customarily considered dangerous, or undomesticated, including, but not limited to:
    a. Foxes
    b. Skunks
    c. Opossums
    d. Raccoons
    e. Wolves
    f. Bears
    g. Squirrels
    h. Leopards
    i. Panthers
    j. Tigers
    k. Lions
    l. Lynx

m. Alligators
n. Crocodiles
o. Caymans
p. Boa constrictors
q. Ocelots
r. Cougars
s. Cheetahs
t. Jaguars
u. Bobcats
v. Servals
w. Caracals
x. Hyenas
y. Coyotes
z. Jackals
aa. Baboons
bb. Chimpanzees
cc. Orangutans
dd. Gorillas
ee. Any member of the Families, Classifications or Order of **Helodermatidae** (venomous lizards), **Hydrophiidae** (venomous snakes), **Viperidae** (rattlesnakes, pit vipers and true vipers), **Elapidae** (coral snakes, cobras, and mambas), **Columbridae-Dispholidus Typus** (boomslang), **Bioga Dendrophiulia** (mangrove snake) and **Kirklandii** (twig snake only), **Suidae** (i.e., swine), **Crocodilia**, **Aves Order Falconiforms** (i.e, hawks, eagles, falcons & vultures), **Carnivores, Felidea** (i.e., lions, tigers, bobcats, jaguars, leopards and cougars, except Domestic Cats), **Canidae** (i.e., wolves, dingos, coyotes, foxes and jackels and any hybrid or an animal listed in the section, except Domesticated Dogs), **Mustelida** (i.e., weasels, skunks, martins, minks, badgers and otters, except Domestic Ferrets), **Procyonidae** (i.e., raccoons and coati), **Ursidae** (i.e., bears), **Marsupialia** (i.e., kangaroos, opossums, koala bears, wallabys, bandicoots, and wombats), **Chiroperta** (i.e., bats), **Endentata** (i.e., sloths, anteaters, and armadillos), **Probosidea** (i.e., elephants), **Primata** (i.e., monkeys, chimpanzees, orangutans and gorillas), **Rodentia** (i.e., beavers and porcupines), **Ungulata** (i.e., antelope, deer, bison, and camels), **Amphibi** (poisonous frogs, except non-poisonous reptiles or non-poisonous snakes.
ff. Any Hybrid of an Animal listed in this definition.
gg. All non-human primates, excluding registered Therapy Animals and Service Animals, unless certified for medical, biological, herpetological or other scientific research or study. This definition shall apply regardless of state or duration of captivity.

hh. Wild Animal does not include Small Livestock, Large Livestock, Fowl or normal household Pet Animals, such as, but not limited to Domestic Dogs, Domestic Cats, Domestic Ferrets, cockatiels, hamsters, guinea pigs, gerbils, rabbits, fish or non-poisonous reptiles or small, non-poisonous snakes (less than three (3') feet total length).

SECTION 4: RABIES CONTROL.

1. Vaccination Requirements. The Owner and/or Custodian of a domestic dog, domestic cat or domestic ferret shall have his/her Animal vaccinated against Rabies by four (4) months of age. The Animal must receive a Rabies booster within a twelve (12) month interval following the initial vaccination. Every domestic dog, cat or ferret must be revaccinated against Rabies a minimum of at least once every three (3) years with a Rabies vaccine licensed by the USDA. The vaccine must be administered according to label instructions. Livestock should be vaccinated against Rabies. Nothing in this Section prohibits a veterinarian and Owner or Custodian from selecting a more frequent Rabies vaccination interval.

Any person moving into the City of Frisco from a location outside of the City of Frisco shall comply with this Section of this Ordinance within thirty (30) days after having moved into the City of Frisco. If the Animal inflicted a bite and/or scratch on any person or another Animal within the last ten (10) days, the Owner and/or Custodian of said Animal shall report the bite and/or scratch incident to Animal Control as soon as possible, but not later than twenty-four (24) hours of moving into the City of Frisco. No Rabies vaccine shall be administered during the two hundred, forty (240) hour Observation Period until the two hundred, forty (240) hour Observation Period is concluded according to State Law, as it exists or may be amended.

2. Certificate of Vaccination. Upon vaccination with an approved Rabies vaccine, the Veterinarian shall execute and furnish to the Owner of the Animal as evidence thereof, a certificate upon a form furnished by the Veterinarian. The Veterinarian shall retain a duplicate copy. Such certificate shall contain the following information:

a. The current name, address and telephone number of the Owner of the vaccinated Animal;
b. The date of vaccination;
c. The date vaccination expires (re-vaccination due date);
d. The type of Rabies vaccine used, expiration date, and serial number;
e. The year and number of Rabies tag to be worn by Animal at all times;

f. The breed, age, color, and sex of the vaccinated Animal; and
g. The Veterinarian's signature or signature stamp and license number.

3. Rabies Tags. Concurrent with the issuance and delivery of the certificate of Rabies vaccination referred to in Section 4.2, the Owner of the Animal shall cause to be attached to the collar or harness of the Rabies vaccinated Animal, a metal tag that is serially numbered to correspond with the vaccination certificate number, and bearing the year of issuance and the name of the issuing Veterinarian or Veterinarian's Clinic and his/her telephone number. The Owner shall cause the collar or harness with the attached Rabies vaccination metal tag to be worn by the Animal at all times. Rabies vaccination certificates and tags shall be valid only for the Animal for which it was originally issued.

4. Duplicate Rabies Tags. In the event of loss or destruction of the original Rabies tag provided in Section 4.3, the Owner of the Animal shall obtain a duplicate Rabies tag from the licensed Veterinarian who originally vaccinated the Animal. Duplicate Rabies vaccination certificates and tags shall be valid only for the Animal for which it was originally issued.

5. Proof of Vaccination. It shall be unlawful for any person who owns or harbors a vaccinated Animal to fail or refuse to exhibit his/her copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Ordinance.

6. Harboring Unvaccinated Animal. It shall be unlawful for any person to harbor any Animal that has not been vaccinated against Rabies, as provided herein, or that cannot be identified as having a current Rabies vaccination certificate.

7. Animals Exposed to Rabies. Any person having knowledge of the existence of any Domestic Animal known to have been, or suspected of being, exposed to Rabies must ***immediately*** report such knowledge to Animal Control, and the LRCA or his/her designee, and provide any information that may be required. For any Animal known to have been, or suspected of being, exposed to Rabies, the following rules must apply:

a. Domestic Animals that have a current Rabies vaccination must be humanely euthanized or re-vaccinated *immediately* and placed in strict isolation, at the Owner's expense, in a Primary Enclosure for observation according to the method prescribed by the LRCA for a period of not less than forty-five (45) days or the suspected Rabies carrier Animal is available for testing, is tested and the test has returned a negative result for Rabies. (*See Exhibit A attached*

hereto and incorporated herein for all purposes.)

b. Domestic Animals that do not have a current Rabies vaccination should be humanely euthanized. However, if the Owner of such an Animal elects, he/she may, at his/her expense and in a manner prescribed by the LRCA, Quarantine said Animal in a Primary Enclosure or the suspected Rabies carrier Animal is available for testing, is tested and the test has returned a negative result for Rabies. Such Animal must be vaccinated *immediately* following exposure and placed in strict isolation for not less than ninety (90) days and given booster vaccinations during the third (3^{rd}) and eighth (8^{th}) weeks while in isolation during the observation period. For young Animals, additional vaccinations may be necessary to ensure the young Animal receives at least two (2) vaccinations at or after the age prescribed by the United States Department of Agriculture (USDA) for the vaccine administered. (*See Exhibit A attached hereto.*)

c. This Section only applies to Domestic Animals for which an approved Rabies vaccine is available.

d. If a licensed Veterinarian determines that a quarantined Animal shows the clinical signs of Rabies, the Veterinarian or Animal Control shall humanely euthanize the Animal. If an Animal dies or is euthanized while in Quarantine, the Veterinarian or Animal Control shall remove the head of the Animal and submit it to the nearest State-approved department laboratory for testing.

SECTION 5: REPORTING CASES OF HUMANS BITTEN/SCRATCHED BY ANIMALS SUSCEPTIBLE TO RABIES.

1. Reporting Requirements. Any person having knowledge of an Animal bite/scratch to a human being will report the incident to Animal Control and the LRCA as soon as possible, but not later than twenty-four (24) hours from the time of the incident. This reporting requirement may not apply to bites/scratches inflicted by Low Risk Animals.

2. Quarantine. The Owner of the biting/scratching Animal may not vaccinate that Animal and will place that Animal in a two hundred, forty (240) hour Quarantine in a Primary Enclosure for observation commencing on the day of the biting/scratching incident under the supervision of Animal Control and the LRCA, or his/her designee, at the Owner's expense.

3. Investigation. Animal Control and the LRCA, or his/her designee, will investigate each bite incident. All bites or scratches from Low Risk Animals may be investigated at the discretion of the LRCA, the TDSHS or other State or

Federal Animal regulatory authorities.

4. Exclusion. Bites/scratches to human beings from rodents, moles, shrews, opossums, armadillos, rabbits, birds, and all cold-blooded Animals are excluded from the reporting requirements of this Ordinance. Police Dogs are exempt from the requirements of this Ordinance, unless determined otherwise by a licensed Veterinarian or the LRCA, or his/her designee, but may be subject to Home Quarantine.

SECTION 6: QUARANTINE PROCEDURE FOR SUSPECTED BITING/SCRATCHING DOMESTIC DOGS, BITING/SCRATCHING DOMESTIC CATS AND BITING/SCRATCHING DOMESTIC FERRETS.

1. Procedure. When a Domestic dog, Domestic cat or Domestic ferret that is suspected of biting/scratching a human being is identified, the Owner or Custodian of the Domestic dog, Domestic cat or Domestic ferret is required to produce the Animal to Animal Control for two hundred, forty (240) hours confinement in a Primary Enclosure at the Owner's expense. Refusal to produce said biting/scratching Animal to Animal Control constitutes a violation of this Section and each day of such refusal constitutes a separate and individual violation. The two-hundred, forty (240) hour Observation Period will begin on the day when the bite/scratch incident occurs. The biting/scratching Animal must be placed in the custody of Animal Control at the Animal Control facilities specified for this purpose, or at a private veterinary facility designated by the TDSHS for Quarantine at the Owner's expense. However, the Owner of the biting/scratching Animal may request permission from Animal Control for Home Quarantine if the following criteria can be met:

a. The victim who was bitten/scratched is a family member where the Animal resides.
b. The Animal must be placed in a Primary Enclosure to prevent exit, entry and contact by any persons or Animals by the biting/scratching Animal at the home of the Animal's Owner, and must be inspected and approved by the LRCA, or his/her designee.
c. The Animal is currently vaccinated against Rabies, unless the Animal is under four (4) months of age in which an Animal Control Officer and the LRCA may grant Home Quarantine.
d. Animal Control, the LRCA, or his/her designee, or valid State licensed Veterinarian must observe the Animal at least on the first (1st) and last day of the Home Quarantine Observation Period. If the Animal becomes ill during the Observation Period, Animal Control, and the LRCA, or his/her designee, must be notified *immediately* by the Animal's Owner, Veterinarian, or person having possession of the Animal. At the end of the Home Quarantine

Observation Period, the Animal's Owner may request a written release.

e. The Animal was not At Large at the time of the bite/scratch incident as defined in Section 3(8) above.

f. If the biting/scratching Animal cannot be maintained in a Primary Enclosure during the Quarantine Period, it shall be humanely euthanized and the head/brain submitted to a State certified laboratory for Rabies diagnosis.

g. Exemption: At the discretion of the LRCA, currently vaccinated Assistance Animals, Therapy Animals, and Police Dogs may not be required to be placed in Quarantine during the Observation Period, unless otherwise deemed by a licensed Veterinarian.

2. Interruption of Observation. It shall be unlawful for any person to interrupt the two-hundred, forty (240) hour Observation Period. Any Animal that cannot be properly quarantined must be tested for Rabies.

3. Multiple Bites by Animals. An Animal that has inflicted multiple bites or scratches may be required by Animal Control and the LRCA, or his/her designee, to be immediately tested for Rabies.

4. Stray Domestic Animals. Any stray Domestic Animal found At Large that inflicted a bite/scratch may be tested prior to the end of the two hundred, forty (240) hour Observation Period.

5. Low Risk Animals. No biting/scratching Low Risk Animal will be tested; however, a biting/scratching Low Risk Animal may be immediately tested if the Animal Control Officer and the LRCA suspect the Low Risk Animal of being rabid.

6. Wild Animals and High Risk Animals. No biting/scratching Wild Animal or biting/scratching High Risk Animal will be placed in Quarantine. All Wild Animals and High Risk Animals involved in biting/scratching incidents will be humanely euthanized and tested for Rabies.

7. Quarantine Procedure for Biting/Scratching Large Livestock and Small Livestock. Large Livestock and Small Livestock shall be quarantined or suitably confined for thirty (30) days or as determined by the Animal Control Officer and the LRCA.

8. Signs of Rabies while Quarantined. If a Veterinarian determines that a quarantined Animal shows the clinical signs of Rabies, the Veterinarian or the LRCA, or his/her designee, shall humanely destroy the Animal. If an Animal dies or is destroyed while in Quarantine, the Veterinarian or LRCA, or his/her

designee, shall remove the head of the Animal and submit it to the nearest State-approved department laboratory for testing.

9. Medical Conditions of Animal's Health. If a Veterinarian determines that due to the medical condition(s) of the Animal's health, the Animal would not be able to be quarantined at the City of Frisco's Animal Shelter, the Animal must be quarantined at a Veterinarian clinic for the duration of the Rabies Quarantine Observation Period.

SECTION 7: DOMESTIC DOG, DOMESTIC CAT, AND DOMESTIC FERRET REGISTRATION. The current Rabies vaccination tag shall serve as an Animal's City of Frisco registration tag. The Rabies vaccination/registration tag information must be supplied upon request to an Animal Control Officer, the LRCA, or his/her designee, or the City of Frisco's authorized agent(s).

SECTION 8: ANIMALS AT LARGE.

1. Prohibition. It shall be unlawful for any Owner, Custodian, or harborer to allow any Domestic Dog or other Animal possessed, kept, or harbored, to roam At Large as defined in Section 3(8) of this Ordinance.

2. Authority of Animal Control Officer. Animal Control Officers are authorized to pursue onto private and public property and impound Animals that roam At Large, and may impound Animals At Large under conditions specified in Section 13 of this Ordinance, or when he/she has received a complaint that has caused a nuisance or hazard to the health, safety or welfare of human beings or the Animal population.

SECTION 9: ANIMAL NUISANCES.

1. The keeping of any Animal that physically molests passers-by or passing vehicles, attacks other Animals, is not accompanied by a responsible person who maintains physical control over the Animal by leash, cord, rope or other physical restraint device, trespasses on school grounds, and/or damages public or private property is prohibited.

2. The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger personal health, safety and welfare is prohibited. Upon determination that a bee colony situated within the City of Frisco City limits is not being kept in compliance with this Section, Animal Control may order the bees to be removed from the City of Frisco or destroyed.

3. It shall be unlawful and constitute a public nuisance for an Owner/Custodian of a cat to allow the cat to roam beyond the boundaries of the Owner's/Custodian's property.

4. It shall be unlawful and constitute a public nuisance to keep any Animal(s) that causes frequent, excessive or long continuous barking, whining, crying, meowing, howling, or other Animal-related noise that interferes with public peace and comfort.

5. It shall be unlawful and constitute a public nuisance for any person to maintain any Animal in such a manner or allow any pen, enclosure, yard or similar place used for the keeping of Animals to become unsanitary, offensive by reason of odor, offensive by lack of maintenance or creates a visual nuisance, creates any favorable condition for any zoonotic diseases or any other diseases, or creates any condition that is a breeding place for fleas, ticks or other vectors.

6. It shall be unlawful and constitute a public nuisance for the Owner/Custodian of any Animal to allow excreta deposited by his/her Animal to remain on public or private property. Any condition injurious to public health caused by the lack of or improper disposal of Animal waste will be considered a violation of this Section. Public property includes, but is not limited to, walks, sidewalks, alleys, parks, or recreation areas.

7. It shall be unlawful for any person to intentionally cause, suffer or permit the maintenance of an attractive environment for the assembly of unconfined and unvaccinated stray dogs or cats by the placement of food. It shall be an affirmative defense that the dogs or cats were feral and that the person placed the food solely for the purpose of apprehending stray dogs or cats.

8. It shall be unlawful for any Owner, Custodian or person to allow any Animal to remain a public nuisance as defined herein.

SECTION 10: PROTECTION OF ANIMALS.

1. Baby Fowl. It shall be unlawful for any person to sell, offer for sale, barter, or give away as toys, premiums or novelties, baby chickens, ducklings, or other fowl under eight (8) weeks old. Sale of such Animals for agricultural purposes is exempt from this provision if sold in quantities of ten (10) or more.

2. Change of Color of Certain Animals. It shall be unlawful to color, dye, stain, or otherwise change the natural color of any chickens, ducklings, other fowl, or rabbits, or to possess for the purpose of sale or to be given away, any of

the above mentioned Animals which have been so colored.

3. Animals as Prizes or Inducements. No person shall give away any Animal as:

a. A prize or use as an inducement to enter any contest, game or competition;
b. An inducement to enter a place of amusement or other non-residential establishment; or
c. An offer or as incentive to enter into any business establishment whereby the offer was for the purpose of attracting trade.

4. Sales of Animals From Public Property. A person commits an offense if he/she sells, exchanges, barters or gives away or offers to sell, exchange, barter or gives away any Animal from:

a. Any public property; or
b. Any property to which the public has access that does not have a valid Certificate of Occupancy allowing the sale of animals on the property.

It is a defense to prosecution under this Subsection (4) that the person is:

i. Animal Control; or
ii. an Animal adoption agency.

SECTION 11: WILD / PROHIBITED ANIMAL.

1. An Owner shall not own, harbor, shelter, or have custody or control of a Wild Animal or other prohibited Animal for any purpose within the Frisco City limits, except as follows:

a. A county, municipality, agency of the State, an agency of the United States, or an agent or official of a county, municipality, State or agency acting in an official capacity;
b. A research facility, as that term is defined by Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its subsequent amendments, that is licensed by the Secretary of Agriculture of the United States under that Act;
c. An organization that is an accredited member of the American Zoo and Aquarium Association;
d. An injured, infirmed, orphaned or abandoned Wild Animal or other prohibited Animal while being transported for care or treatment;
e. An injured, infirmed, orphaned or abandoned Wild Animal or other prohibited Animal while being rehabilitated, treated or cared for by a licensed Veterinarian, an incorporated human society or Animal Shelter or a person that holds a rehabilitation permit issued under

Subchapter C, Chapter 43, Parks and Wildlife Code, as it currently exists or may be amended;

f. A Wild Animal or prohibited Animal owned by and in custody or control of a transient circus company that is not based in this State if the Animal is used as any essential, integral part of the circus performances;

g. A Wild Animal or prohibited Animal while in the temporary custody or control of a television or motion picture production company during filming of a television or motion picture production in this State; or

h. A Wild Animal or prohibited Animal while being transported in interstate commerce through the State in compliance with the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments and the regulations adopted under that Act.

2. An Owner of a Wild Animal or Prohibited Animal, even if kept in violation of this section, shall:

a. Notify Animal Control, the LRCA, and the Frisco Police Department of any attack on a human being by the Animal within twenty-four (24) hours of the attack.

b. Immediately notify Animal Control, the LRCA, and the Frisco Police Department of any escape of the Animal.

3. An Owner of a Wild Animal or prohibited Animal that escapes is liable for all costs incurred in apprehending and confining the Animal and for any costs and expenses incurred by way of personal injury or death in attempting to apprehend and confine such Animal.

4. The LRCA, Animal Control Officers, Frisco Police Officers, or an employee of Animal Control, or any City-authorized person or agent, shall not be liable to an Owner of a Wild Animal or other prohibited Animal for damages that arise in connection with the escape or attack of a Wild Animal or other prohibited Animal, including, but not limited to, liability for damage, injury, or death caused by the Wild Animal or other prohibited Animal during or after the Wild Animal's or other prohibited Animal's escape, or for injury to, or death of, the Wild Animal or other prohibited Animal as a result of apprehension or confinement of the Wild Animal or other prohibited Animal after escape.

5. Search and Seizure. Animal Control Officers, Frisco Police Officers, the LRCA, the LHA, and/or other City-authorized personnel shall be authorized to obtain a search and seizure warrant if there is reason to believe that an Animal ordered to be removed from the City of Frisco for being a Wild Animal or other Prohibited Animal has not been so removed.

SECTION 12: DANGEROUS ANIMAL.

1. It shall be unlawful for any person to own, keep or harbor a Dangerous Animal within the Frisco City limits, except as provided in this Section.

2. For the purposes of this Section, a person learns that the person is the Owner/Custodian of a Dangerous Animal when the:

   a. Owner/Custodian knows of an attack committed by the Animal as described in the definition of "Dangerous Animal" in Section 3(13) above; or
   b. Owner/Custodian is informed by the court of competent jurisdiction that the Animal is a Dangerous Animal.

3. If the licensee or Owner/Custodian of a Dangerous Animal is a minor, the parent or guardian of the minor shall be liable for all costs, injuries and property damage sustained by any person or domestic animal in an unprovoked attack by the Dangerous Animal.

4. Should any person desire to file a complaint concerning an Animal which is believed to be a Dangerous Animal, a sworn, written complaint must be first filed with Animal Control and include the following:

   a. Name, address and telephone number of complainant and other witnesses;
   b. Date, time and location of any incident involving the Animal;
   c. Description of the Animal;
   d. Name, address and telephone number of the Animal's Owner, if known;
   e. A statement describing the facts upon which such complaint is based; and
   f. Statement describing any incidents where the Animal has exhibited dangerous propensities in past conduct, if known.

5. If a person reports an incident described by the definition of "Dangerous Animal" in Section 3(13) above, Animal Control may investigate the incident. Animal Control shall accept sworn statements from all victims and witnesses to the attack.

6. After a sworn complaint is filed, it shall be referred to the court of competent jurisdiction to set a time and place for a hearing not to exceed twenty (20) days from the date and time the complaint is received. The Animal Control Officer, or his/her designee, shall give notice of the hearing to the Animal's Owner at least ten (10) days prior to the hearing date. After the Owner of the Animal is notified, the Owner shall immediately surrender such Animal to an Animal Control Officer to keep such Animal at the City of Frisco's Animal Shelter

or at a Veterinarian's clinic at the Owner's expense, until such time the hearing is held by the court of competent jurisdiction. The Owner is liable for all fees and citations pertaining to the Animal's Impoundment. Each day the Animal has not been surrendered to Animal Control shall constitute a separate offense.

a. Any interested party, including the City of Frisco City Attorney, is entitled to present evidence at the hearing.

b. The court of competent jurisdiction shall receive testimony at the hearing to determine if the Animal specified in the complaint is a Dangerous Animal and should be permanently removed from the City of Frisco, euthanized, or registered as a Dangerous Animal for the protection of the public health, safety and welfare of the community. To order euthanasia, removal, or registration as a Dangerous Animal for the public health, safety and welfare, the court of competent jurisdiction must find the following facts to be true:

   i. The Animal is a Dangerous Animal; and

   ii. The euthanasia, removal, or registration of a Dangerous Animal is necessary to preserve the public health, safety, and welfare of the community.

c. If the court of competent jurisdiction finds the Animal to be dangerous, the Owner shall have a microchip inserted into the Dangerous Animal by a licensed Veterinarian and provide Animal Control with the alphanumeric combination code contained in the microchip within ten (10) days to assist in the identification of the Dangerous Animal. The Owner of the Dangerous Animal shall assume all responsibility for micro-chipping their Animal, including all costs. The Dangerous Animal must also be made available, at any time, to Animal Control to verify the microchip data by scanning the Animal. Failure to micro-chip, show proof of micro-chipping, or make the Animal available for scanning shall constitute separate offenses.

d. If the court of competent jurisdiction orders destruction, removal or registration of the Animal and the Owner is not present at the hearing, the Owner shall be given notice of the decision. If the destruction, removal or registration of the Animal is not ordered, the City of Frisco's Animal Control Officer or other City-authorized person shall return the Animal to the Owner upon the Owner's payment of all fees to the City of Frisco and its authorized agents. If the court of competent jurisdiction orders the Animal removed from the City of Frisco, the Owner has ten (10) days to do so. The Owner shall furnish Animal Control and/or other City-authorized designee evidence of such removal within ten (10) days thereof.

e. A person commits an offense if he/she possesses and fails to release to the City of Frisco's Animal Control authority, or

Veterinarian as approved by Animal Control, an Animal that has been charged by sworn complaint as provided in Paragraph (4) of this Section and whose euthanasia or removal has been ordered by the court of competent jurisdiction; provided that such euthanasia or removal order has not been appealed. Each day the Animal has not been released to the City of Frisco's Animal Control authority or approved Veterinarian shall constitute a separate offense.

7. An Owner or person filing the action may appeal the decision of the court of competent jurisdiction in the manner provided for the appeal of cases from the court of competent jurisdiction within five (5) days of the decision.

8. The City of Frisco may, after notification an Animal has been declared a Dangerous Animal, provide public notice of the declaration.

a. The declaration shall include the Dangerous Animal's description, place of residence, and any other public information the City of Frisco deems relevant to maintain the public health, safety and welfare.
b. The City of Frisco may provide notice of the Dangerous Animal by, but is not limited to, publishing notice in a newspaper or other periodical or circular in circulation in the area where the Dangerous Animal resides, holding a neighborhood meeting, posting notices in the area where the Dangerous Animal resides, or posting notice on the City of Frisco website.
c. For purposes of determining liability, the release or withholding of information by an appointed or elected Official of the City of Frisco is a discretionary act.

9. It is a defense to the determination of an Animal as dangerous that:

a. 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; the
b. 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;
c. Person was committing or attempting to commit a crime;
d. Animal(s) attacked or killed was at the time teasing, tormenting, abusing or attacking the alleged Dangerous Animal;
e. Animal was protecting or defending a person within the immediate vicinity of the Animal from an unjustified attack or assault;
f. Animal was injured and responding to pain; or
g. Animal at issue is a trained Guard Animal in the performance of official duties while confined or under the control of its handler.

10. It is a defense to prosecution under this Section that the:

a. Person is a Veterinarian, a Peace Officer, a person employed by a recognized Animal Shelter or person employed by the State, or a political subdivision of the State, to deal with stray Animals and has temporary Ownership, custody or control of the Animal; provided, however, that for any person to claim a defense in this Subsection, that person must be acting within the course and scope of his or her official duties as regards to the Dangerous Animal;

b. Person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses Animals for law enforcement or corrections purposes; provided, however, that for any person to claim a defense in this Subsection, that person must be acting within the course and scope of his or her official duties as regards to the Dangerous Animal; or

c. Person is a trainer or an employee of a Guard Animal company under the Private Investigators and Private Security Agencies Act in Chapter 1702 of the Texas Occupation Code, as it exists or may be amended; provided, however, that for any person to claim a defense in this Subsection, that person must be acting within the course and scope of his/her official duties as regards to the Dangerous Animal.

11. Requirements for any Dangerous Animal within the Frisco City limits the Owner must comply with all of the following:

a. Register the Dangerous Animal with Animal Control within thirty (30) days of entering the City of Frisco City limits or of being determined as a Dangerous Animal by the court of competent jurisdiction. The Dangerous Animal registration is valid for one (1) year from the date of issue for the original Owner and is not transferable,

b. Present proof of current Rabies vaccination,

c. Provide proof of liability insurance in a single incident amount of one hundred thousand and no/100 dollars ($100,000.00) dollars for bodily injury or death of any person or persons, of for damage to property owned by any person which may result from the Ownership of such Animal,

d. Maintain on the Dangerous Animal at all times a fluorescent orange colored ID collar visible at fifty (50) feet in normal daylight and a tag that provides the Animal Control issued registration number of the dangerous Animal, along with the Owner's name, current address and current telephone number so the Animal can be identified,

e. Keep all Dangerous Animals securely confined indoors or in a Secure Enclosure behind the front building line, except when leashed as provided herein,

f. Not keep a Dangerous Animal on a porch, patio or in any part of a

house or structure that would allow the Animal to exit such building of its own volition. In addition, no Dangerous Animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the Animal from exiting the structure,

g. Prevent a Dangerous Animal from going outside its Secure Enclosure, unless such Animal is securely leashed with a leash not longer than six (6) feet in length and in the immediate control of a person,

h. Prevent a Dangerous Animal from going outside its Secure Enclosure, unless such Animal is 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 when the Dangerous Animal is taken out of its Secure Enclosure for any reason,

i. Display in a conspicuous place on their premises a sign that is easily readable by the public using the words "Beware – Dangerous Animal". The sign shall be no smaller than one (1) foot (12" x 12") total area, with alphabetic letters with no less than one (1) inch height. A similar, easily readable sign with a total area of eighteen (18) inches shall be posted on the enclosure or pen of such Dangerous Animal and posted on all entrances to the dwelling, building or structure,

j. Provide to Animal Control a minimum of two (2) current color photographs of the Dangerous Animal in two (2) different poses (front and side views) showing the color, any specific markings, and the approximate size of the Dangerous Animal,

k. Have a microchip inserted into the Dangerous Animal by a licensed Veterinarian and provide Animal Control with the alphanumeric combination code contained in the microchip within ten (10) days. The Dangerous Animal must also be made available, at any time, to Animal Control to verify the microchip data by scanning the Animal,

l. Report any attack(s) the Dangerous Animal makes on any person or Animal as soon as possible, but not later than twenty-four (24) hours from the time of the incident,

m. Report to Animal Control in writing within ten (10) calendar days that:

    i. The Dangerous Animal has been removed from the City of Frisco, along with the new Owner's name, current address and current telephone number;

    ii. The Dangerous Animal has died; or

    iii. The Dangerous Animal has moved within the City of Frisco, along with the new Owner's name, current

address and current telephone number. The new Owner must comply with this Section and re-register the Dangerous Animal with Animal Control, and.

n. Comply with the Ownership requirements listed above. If the Owner of a Dangerous Animal fails to comply with the Ownership requirements, the Owner or harborer will be given written notice that if the Animal is not surrendered to Animal Control for Impoundment within seven (7) calendar days, then the Dangerous Animal may be destroyed wherever it is found. After this written notice, the Dangerous Animal may be destroyed during an attempt to Impound, if impoundment cannot be made safely, wherever the impoundment is attempted. A written notice left at the entrance to the premises where the Dangerous Animal is kept or harbored will be considered valid notice under this Subsection.

12. Search and Seizure. Animal Control Officers, Frisco Police Officers, the LRCA, and other City-authorized personnel shall be authorized to obtain a search and seizure warrant if there is reason to believe that:

a. An Animal ordered to be removed from the City of Frisco for being dangerous has not been so removed;
b. An Animal ordered to be euthanized for being dangerous has not been so euthanized; or
c. An Owner has failed to comply with one or more of the requirements for registering a Dangerous Animal according to Section 12.11.
d. A Dangerous Animal seized and impounded under this Section shall not be returned to the Owner until the Owner complies with all requirements for ownership of a Dangerous Animal as determined by the court of competent jurisdiction. If all the fees have not been paid and all requirements have not been met within ten (10) days, the Dangerous Animal may be humanely euthanized.

13. Violation. A person commits an offense if the person is the Owner of a Dangerous Animal and the Dangerous Animal makes an unprovoked attack on another person outside of the Animal's Secure Enclosure and causes bodily injury to the other person.

14. Other Violations. A person who owns or keeps custody or control of a Dangerous Animal commits an offense if the person fails to comply with any provision of this Section 12. An offense under this Section is a Class C misdemeanor.

a. An offense under this Section is a Class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a Class A misdemeanor, unless otherwise classified by State law.
b. If a person is found guilty of an offense under this Section, the court

may order the Dangerous Animal destroyed by a person listed in Section 822.004 of the Texas Health & Safety Code, as it currently exists or may be amended.

c. In addition to criminal prosecution, a person who commits an offense under this Section is liable for a civil penalty not to exceed ten thousand and no/100 dollars ($10,000.00). The City of Frisco Attorney may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this Subsection shall be retained by the City of Frisco.

SECTION 13: IMPOUNDMENT.

1. The following Animals may be impounded:
   a. Any Animal believed to be infected with Rabies;
   b. Any Animal posing a threat to the public health, safety or welfare;
   c. Any Animal found At Large;
   d. Any Animal treated in a manner determined by Animal Control to be cruel and/or inhumane;
   e. Any Animal that is suspected of biting or scratching a human being, or any Animal that is suspected of coming into contact with a Rabies High Risk Animal that requires isolation to observe for possible Rabies, as determined by Animal Control and/or State or Federal authorities;
   f. Any Animal for protective custody;
   g. Any Animal seized pursuant to a warrant or court order;
   h. Any Animal violating any provision of Texas Penal Codes 42.09, 42.091 or 42.10, as they currently exist or may be amended;
   i. Any Animal violating any provision of the Texas Health and Safety Code, Chapter 821, as it currently exists or may be amended;
   j. Any Animal violating any provision of the Texas Health and Safety Code, Chapter 822, as it currently exists or may be amended;
   k. Any Animal violating any provision of the Texas Health and Safety Code, Chapter 826, as it currently exists or may be amended;
   l. Any Animal violating any provision of the Texas Health and Safety Code, Chapter 828, as it currently exists or may be amended;
   m. Any Animal violating any provision of the Texas Administrative Code, Chapter 169, as it currently exist or may be amended; and/or
   n. Any Animal violating any provisions of this Ordinance.

2. If any Animals named in this Ordinance are found upon the premises of any resident located within Frisco's City limits, the City of Frisco resident shall have the right to confine such Animal in a humane manner until he/she can notify Animal Control to retrieve the Animal for Impoundment. When so notified, it shall

be the duty of Animal Control to Impound such Animal as herein provided.

3. Reasonable effort shall be made by Animal Control to contact the Animal Owner of any Animal impounded that is wearing an identification tag of any type; however, final responsibility for location of an impounded Animal is that of the Animal Owner.

4. The Owner can resume possession of any impounded Animal upon payment of impoundment fees, handling fees, and any Veterinarian bills incurred by Animal Control and the City of Frisco's authorized agents for the welfare of the Animal, and upon compliance with vaccination, and registration provisions of this Ordinance.

5. Disposition of Animals impounded as a result of cruel or inhumane treatment will be determined by the court of competent jurisdiction.

6. If any Animal is being held in Quarantine or observation for Rabies, the Owner shall not be entitled to possession until it has been released from the Quarantine Observation Period by Animal Control and has satisfied payment of any impoundment fees, handling fees, any Veterinarian bills, or any other fees incurred while in the custody of Animal Control or the City of Frisco's authorized agents.

7. The City Council or City Manager shall select and establish a place for impounding Animals. The Animal Shelter will establish criteria and procedures for adoption and final disposition of Animals in accordance with the State of Texas Health and Safety Codes in relation to Animal handling and care. The City of Frisco will adhere to the Animal Shelter criteria as part of this Ordinance.

8. Any Animal not reclaimed by the Owner may be humanely euthanized or adopted after being impounded for three (3) days, unless under Quarantine, by Animal Control or its City-authorized agents. Any Animal wearing a current Rabies tag shall be impounded for not less than six (6) days, unless under Quarantine. Unclaimed Animals wearing an identification tag that are in the custody of Animal Control or any of its authorized agents may be humanely euthanized or adopted after being impounded for six (6) days.

9. Any seized or impounded, Dangerous Animal, or Wild Animal, unless there is reason to believe such Animal has an Owner, may have its disposition immediately determined as deemed appropriate by Animal Control, or Frisco's authorized agents.

10. Any nursing baby Animal impounded without it's mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately

euthanized to prevent further suffering.

11. An Animal Owner, who no longer wishes responsibility for an Animal or believes the Animal to be in an ill or injured condition, may sign a written waiver supplied by Animal Control or its agents, that surrenders the Animal to Animal Control or its authorized agents. The written waiver surrenders the Animal to Animal Control or its authorized agents to be impounded for adoption or to be immediately euthanized in a humane manner. No warm-blooded Animal that has bitten or scratched a human being shall be euthanized before the expiration of the Quarantine Observation Period, unless said Animal's Owner requests the Animal be euthanized for Rabies testing.

12. Any impounded Animal that appears to be suffering from extreme injury or illness may be humanely euthanized as soon as practical or given to a non-profit humane organization for the purposes of veterinary care or as determined by Animal Control.

SECTION 14: IMPOUNDMENT FEES.

Impoundment fees for Animals impounded shall be published and determined by the City of Frisco's authorized Animal Shelter agent(s) for all Animals.

1. **Class A:** All Domestic Dogs and Domestic Cats, unsterilized (unspayed or unneutered) sterilized (spayed or neutered).
2. **Class B**: Small livestock shall include goats, sheep, lambs, swine, and Animals of the same approximate size and weight. Fees shall be set based on actual costs, damages and the factors set forth in Chapter 142 of the Texas Agricultural Code, as it exists or may be amended.
3. **Class C**: Large livestock shall include cattle, horses, ponies, mules, and Animals of the same approximate size and weight. Fees shall be set based on actual costs, damages and the factors set forth in Chapter 142 of the Texas Agricultural Code, as it exists or may be amended.
4. **Class D**: Animals not listed herein above shall be impounded and/or disposed of at the discretion of Animal Control or the City of Frisco's authorized agents.
5. **Handling Fee**: A daily handling fee shall be charged for every day, or fraction thereof, that an Animal is at the Animal Shelter. Said fee shall be based upon the class of Animal enumerated as deemed by the City of Frisco's authorized agent(s), and Class D Animals shall be charged as deemed by the City of Frisco's authorized Animal Shelter agent(s). This is in addition to the Impoundment fee as set forth by the City of Frisco's authorized Animal Shelter agent(s). Class B and Class C Animals that are

impounded by Collin County or Denton County shall be in accordance with the Texas Estray Act, as it currently exists or may be amended.

6. The Owner of any Class A, Class B, or Class C Animal held in Quarantine for observation purposes or any other purposes shall be charged for each day or fraction of a day an Animal is at the Animal Shelter at the rates set forth and published by the City of Frisco's authorized Animal Shelter agent(s). This is in addition to impoundment fees and daily handling fees or any other costs incurred by the City of Frisco's authorized Animal Shelter agent(s).
7. The Owner of a Class D Animal shall be charged for each day or fraction of a day the Animal is held in quarantine for observation purposes or any other purposes at the Animal shelter or at the rates set forth and published by the City of Frisco's authorized Animal Shelter agent(s). This is in addition to impoundment fees and daily handling fees or any other costs incurred by the City of Frisco's authorized Animal Shelter agent(s).

SECTION 15: ANIMAL OWNERSHIP LIMITATION. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm or corporation to keep or harbor more than six (6) Domestic Dogs, or six (6) Domestic Cats, or three (3) Domestic Ferrets, or any combination of six (6) thereof, providing the number of Domestic Ferrets does not exceed three (3) of that species, (i.e, 5 Domestic Dogs and 1 Domestic Cat; 1 Domestic Dog and 5 Domestic Cats; 3 Domestic Dogs, 2 Domestic Cats and 1 Domestic Ferret) over the age of six (6) months on any one (1) residential dwelling property located within the Frisco City Limits.

Kennels are only permitted in districts that meet the requirements of the City of Frisco Comprehensive Zoning Ordinance No. 00-11-01, as it currently exists or may be amended.

SECTION 16: SMALL LIVESTOCK AND LARGE LIVESTOCK.

1. Swine: It shall be unlawful for any person, firm or corporation to keep any swine, including pot-bellied pigs, within the Frisco City limits, unless certified for medical, biological, or other scientific research or study.
2. Cattle and Equine: It shall be unlawful for any person to keep a cow, steer, bull or horse, donkey, or mule (at times, collectively referred to as "cow or horse") on any premises where the overall area is less than one (1) acre for each cow or horse kept, or is less than one (1) acre for two (2) foals or two (2) calves up to nine (9) months of age. The number of foals or calves permitted on one (1) acre shall not exceed two (2) foals or two (2) calves under nine (9) months of age. Any one (1) adult cow or horse and its young up to nine (9) months of age are permitted on one (1) acre.

Agriculture properties are exempt, so long as the person(s) do not keep more than can be cared for under sanitary conditions and/or create a nuisance. The person(s) in lawful possession of the premises as Owner, occupant or tenant may keep thereon cattle, horses, calves, or foals belonging to others, but limitation to number of cattle, horses, foals, or calves on the premises and the area and distance requirements of this Section shall not be done as a commercial business in violation of the City of Frisco Comprehensive Zoning Ordinance No. 00-11-01, as it currently exists or may be amended.

3. Holding Areas for Small Livestock and/or Large Livestock: Small Livestock and Large Livestock must be kept within an enclosure, pen, corral or restrictive area to prevent exit by the Animal(s). The fence posts must not sway more than six (6) inches when tested by an Animal Control Officer. Gates for Small Livestock enclosures shall be mounted on hinges to a solid wall or fence posts. Such a gate must connect with another fence post or wall in such a manner that Small Livestock cannot pass through it, and the gate itself must be constructed so that there is not an opening that will allow the Animal(s) to escape the enclosed area. Such gates must have a latch or chain attached capable of keeping the gate closed when tested by an Animal Control Officer.
4. Proximity of Livestock Areas: It shall be unlawful for any Owner to keep on premises within the Frisco City limits under his/her control, any Small Livestock or Large Livestock in such a manner that the livestock will be quartered closer than one hundred (100) feet from any human living quarters measured in a straight line from any direction, whether occupied or unoccupied. Notwithstanding, if the human living quarters are the living quarters of the Owner or keeper, then the Small Livestock or Large Livestock must not be quartered closer than twenty (20) feet thereto measured in a straight line from any direction.
5. Confine of Male Horses: Male Equines, including, but not limited to, horses, capable of breeding, will be confined in such a manner that said Animal will not be dangerous to human beings, and all breeding shall be under the control of the Owner or handler.

SECTION 17: FOWL. Except for exotic birds that are Pet Animals or are not raised, kept or harbored for commercial purposes, it shall be unlawful for any Owner to maintain, own or control any premises within the Frisco City limits where more than an aggregate of twelve (12) fowl are kept or harbored in one (1) enclosure. Provided further, however, that not more than one-fourth (1/4) of the maximum allowable number of such Animals are of the male species.

"One Enclosure" as that term is used herein shall be held to mean any and all connected buildings, whether under one roof or otherwise, and buildings and sheds

which may have entrances to the same or adjoining lot or lots with a gateway or other opening between them.

SECTION 18: SANITARY CONDITIONS.

1. The Owner, Custodian or person in possession of Animals shall keep pens, enclosures, yards, cages, structures, or other similar enclosures in which any Animals are kept, clean and sanitary and shall not create any:
   a. offensive odors or visual nuisances (unsightly) within the vicinity that creates a public nuisance;
   b. favorable conditions that breed or attract flies, mosquitoes or other noxious insects;
   c. favorable conditions for any zoonotic diseases or any other diseases, or
   d. unsanitary condition that endangers public or Animal health or safety.

2. All persons keeping such Animals shall comply with the following regulations:
   a. Manure and droppings shall be removed from pens, stables, yards, cages and other enclosures as necessary to maintain sanitary conditions and handled or properly disposed of in such manner as to keep the premises free of any public nuisances. Discarding waste on any public or private property shall be considered a violation of this Section.
   b. Mound storage of manure or droppings between such removals shall be permitted only under such conditions as to protect against the breeding of flies and to prevent the migration of fly larvae (maggots) into the surrounding soil.
   c. The feeding of vegetables, meat scraps or garbage shall be done only in impervious containers or on an impervious platform.
   d. Watering troughs, tanks or other watering containers provided for Animals shall be equipped with adequate facilities for draining water overflow to prevent the breeding of flies, mosquitoes, or other insects.
   e. No putrescible material shall be allowed to accumulate on the premises, and all such putrescible material that is used to feed which is unconsumed shall be removed and properly disposed of by burial or other sanitary means.

SECTION 19: TREATMENT OF ANIMALS. The following are established as guidelines for Pet Animal and Animal care and not intended to contravene with the provisions for Animal cruelty as contained in the Texas Penal

Code Chapter 42.09 and 42.10, as they currently exist or may be amended.

1. Every Owner/Custodian or other person having care and control of any Animal shall provide the following for each Animal under his/her care and control:
   a. Sufficient nutritious and wholesome food served to the Animal in clean containers to maintain the Animal in good health;
   b. Clean and wholesome water served to the Animal in a clean container and such water to be available to the Animal at all times;
   c. Adequate shelter, which shall allow the Pet Animal to remain dry and protected from the elements at all times, allow room for the Pet Animal to stand, move around and lay down apart from its excrement and which shall provide either natural or artificial shade for the Pet Animal to avoid direct sunlight. If the shelter is provided by enclosure, the enclosure shall allow for adequate ventilation; and
   d. Veterinary care as needed to prevent suffering.
   e. Any Animal which is not provided the basic level of care and protection as outlined in this Section may be immediately removed and impounded. Any Animal left without basic care due to injury, illness, incarceration or other involuntary absence of the person responsible for the care of such Animal may be immediately removed and impounded. The Animal shall remain in the custody of Animal Control until the conditions are improved and an Animal Control Officer has determined that such Animal can be safely returned to the Owner or agent. The Owner or agent reclaiming such Animal will be responsible for paying all applicable fees and citations. If the conditions have not improved within thirty (30) days, final disposition of the Animal shall be determined by Animal Control.
2. No person shall torture, beat, cruelly ill-treat, overload, overwork or otherwise abuse an Animal; or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between Animals or between Animals and human beings.
3. No Owner of an Animal shall abandon such Animal.
4. Any person who, as the operator of a motor vehicle or any other means of transportation, strikes any Domestic Animal or Livestock shall stop at once and render such assistance and shall immediately report such injury or death to the Animal's Owner. In the event the Animal's Owner cannot be ascertained and/or located, such operator shall at once report the accident to Animal Control or the appropriate law enforcement agency.
5. No person shall intentionally or knowingly trip a horse or other equine.
6. No Owner/Custodian or person shall leave any Animal in a standing or parked vehicle in such a way as to endanger the Animal's health, safety or

welfare, including but not limited to, dangerous temperature, lack of food, water or attention, or confinement with a Dangerous Animal. Any Animal Control Officer, Peace Officer, Fire Personnel or other City-authorized person is authorized to use reasonable force to remove an Animal, including but not limited to, the breaking of a vehicle window, whenever it appears the Animal's health, safety or welfare is, or soon will be, endangered and said Animal may be impounded.

SECTION 20: ANIMAL TRAPS.

1. Only humane live Animal traps may be used for capturing Animals roaming unrestrained in the City of Frisco. The use of steel jaw traps to apprehend Animals is illegal. As an exception to this Section, government agencies and entities shall be permitted to use such traps and equipment as necessary and permitted by State law or regulation, as they currently exist or may be amended.
2. No person shall remove, alter, damage or otherwise tamper with a trap or equipment set out by Animal Control or the City of Frisco's agent(s).
3. Animal Control traps left at a site at the request of a property owner or other resident will be the responsibility of the property owner or resident. The property owner or resident will monitor the trap(s) each and every day and contact Animal Control if any Animal(s) are captured. The property owner or resident will contact Animal Control within twenty-four (24) hours in the event of an Animal(s) capture for removal by an Animal Control Officer. Damaged traps or missing traps will be reimbursed to the City of Frisco by the property owner or resident for replacement of the damaged or missing trap(s).

SECTION 21: ENFORCEMENT.

1. Enforcement of this Ordinance shall be the responsibility of Animal Control and/or other authorized City of Frisco personnel and/or its authorized agents.
2. Animal Control Officers, Peace Officers, Code Enforcement Officers, Health Inspectors, the Local Rabies Control Authority (LRCA), the Local Health Authority (LHA), and/or other authorized City of Frisco personnel or the City of Frisco's authorized agents shall have the authority to issue citations for any violation of this Ordinance or remedy violations by limitations set forth by State or Federal law.
3. If the person being cited is not present, Animal Control or other City-authorized personnel or the City of Frisco's authorized agents may send a citation to the alleged offender. Such notice may be given in any one of

the following ways: **(A)** sent via registered or certified mail addressed to the Owner at the Owner's address or **(B)** by hand delivery to the Owner at the Owner's address. If the City of Frisco or its' authorized agents mails a citation to the Owner and the United States Postal Service returns the notice as 'refused', 'unclaimed', or if the address that was used for sending the citation is returned as 'not deliverable as addressed' (or an equivalent marking), the validity of the citation mailed to the Owner is not affected, and the citation is considered as delivered.

4. Any person who violates a provision of this Ordinance or fails to perform an act required of him/her by this Ordinance commits an offense.
5. A culpable mental state is not required for the commission of an offense under this Ordinance, unless the provision defining the conduct expressly requires a culpable mental state.
6. It shall be unlawful for any person to interfere with Animal Control or any City-authorized person, or any City-authorized agent in the performance of their duties.
7. Animal Control Officers, Peace Officers, the Local Rabies Control Authority (LRCA), Local Health Authorities, or other City-authorized personnel and/or City of Frisco's authorized agents are given the right to trespass onto any private property in the City of Frisco for the purpose of determining whether or not any provision of this Ordinance, State Statutes or the Texas Penal Code relating to Animals have been violated and to impound any Animal kept or harbored in violation of any terms of this Ordinance, State Statutes or the Texas Penal Code relating to Animals.
8. It shall be unlawful for any person being issued a citation for a violation of this Section, a violation of State Statutes or the Texas Penal Code relating to Animals to be filed in municipal court or any civil proceeding to intentionally or knowingly fail to give the Animal Control Officer their true name and address or to intentionally or knowingly fail to appear in accordance with the terms of a citation issued by the Animal Control Officer or other City-authorized person. For the purpose of this Section, a person shall be in violation immediately upon his/her failure to provide the requisite identification information upon request for such information by an Animal Control Officer or other City-authorized person.
9. In addition to imposing a monetary penalty against a person convicted of an offense under this Section a court may do one or more of the following:
    a. Require the person, at the person's expense, to attend a responsible pet ownership program approved by Animal Control.
    b. Order the impoundment of any Animal owned by a person, forfeit the person's ownership of the Animal and award the Animal to the City of Frisco.
    c. Suspend the person's right to own an Animal in the City for a period of time specified by the court.
    d. Require the person to have any Animal owned by the person

spayed or neutered within a time period specified by the court.

e. Revoke any permit issued to the person under any Section of this Ordinance.

f. Impose any other condition(s) or restriction(s) that would reasonably abate the violation(s) for which the person was convicted.

g. Take any and all other action(s) authorized by law.

SECTION 22: PENALTY. Any Owner, Custodian, person, firm, corporation, or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars ($2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The Texas Penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, State and Federal law.

SECTION 23: EXEMPTION OF CITY OFFICIALS FROM LIABILITY. All regulations provided in this Ordinance and functions and duties of all officers, agents, servants or employees of the City of Frisco in the enforcement of this Ordinance are declared to be governmental and for the benefit, health, safety, and welfare of the general public. Any City of Frisco official or employee charged with the enforcement of this Ordinance acting for the City of Frisco in the discharge of his/her duties shall not thereby render himself/herself personally liable by the performance of any act required or permitted in the discharge of his/her duties.

SECTION 24: SAVINGS/REPEALING CLAUSE. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 25: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 26: EFFECTIVE DATE. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on the 15th day of January 2008.

Michael Simpson, Mayor

ATTEST:

E Barrera for Nan Parker
Nan Parker
City Secretary

APPROVED AS TO FORM:

ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
Rebecca H. Brewer, City Attorneys

DATE OF PUBLICATION: January 18 & 25, 2008, ***FRISCO ENTERPRISE***

EXHIBIT A

ANIMAL CONTROL
DISPOSITION OF ANIMALS EXPOSED/SUSCEPTIBLE TO EXPOSURE TO RABIES

Disposition of Animals Exposed to Rabies

Type of Animal	Unvaccinated Against Rabies	Currently Vaccinated Against Rabies
Domestic Animal for which there is an approved vaccine	Humanely killed **or** immediately vaccinated against rabies, placed in strict isolation for ninety (90) days and given booster vaccinations during the 3rd and 8th weeks of isolation. (For young animals, additional vaccinations may be needed to make sure that the animal received at least 2 vaccinations at or after the age prescribed by the USDA for the vaccine administered.)	Humanely killed **or** immediately re-vaccinated against rabies and placed in strict isolation for forty-five (45) days.
Other	Humanely killed **or** refer to the latest edition of the *Compendium of Animal Rabies Prevention and Control	