

An Ordinance of the City of Plano, Texas, repealing Ordinance No. 2016-6-25 codified as Chapter 4, Animal Regulations of the City of Plano Code of Ordinances and adopting a new Chapter 4, Animal Regulations of the City of Plano Code of Ordinances; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.

WHEREAS, on June 28, 2016, the City Council of the City of Plano duly passed Ordinance No. 2016-6-25, codified as Chapter 4, Animal Regulations of the City of Plano Code of Ordinances; and

WHEREAS, staff recommends adopting a new ordinance to be codified as Chapter 4, Animal Regulations of the City of Plano Code of Ordinances to comply with state laws and animal regulations related to dangerous animal determinations and culpable mental states definitions; and

WHEREAS, staff recommends adopting a new ordinance to be codified as Chapter 4, Animal Regulations of the City of Plano Code of Ordinances to clarify regulations related to seizure, impoundment, and redemption of animals; and

WHEREAS, staff recommends adopting guidelines to allow the keeping of backyard hens on certain residential properties; and

WHEREAS, after consideration of the recommendations of staff and all matters attendant and related thereto, the City Council is of the opinion that it is in the best interest of the City and its citizens that the new animal ordinance be adopted and codified as Chapter 4, Animal Regulations of the City of Plano Code of Ordinances

NOW THEREFORE, BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Ordinance No. 2016-6-25 is repealed in its entirety; and

Section II. Chapter 4, Animal Regulations of the City of Plano Code of Ordinances is hereby adopted to read as follows:

“CHAPTER 4 – ANIMALS

ARTICLE I. DEFINITIONS AND ENFORCEMENT

Section 4-1. Definitions.

Unless otherwise expressly stated, the following words, terms, and phrases shall have the following meanings when used in this chapter:

Abandon means to fail to adequately provide an animal with one (1) or more of the necessities of life, including but not limited to, air, food, potable water, sanitary conditions, shelter, protection from the heat, cold, or other environmental conditions, or under other

circumstances that may cause bodily injury, serious bodily injury, or death of the animal, for twenty-four (24) or more hours, or to leave an animal in the care, custody, or control of another person without his or her consent.

Accessory dwelling unit means a dwelling unit that is clearly subordinate to, but detached from, the primary dwelling unit on the same platted lot.

Adult animal means an animal that is four (4) months of age or older.

Animal Establishment means any permanent facility or business that has care, custody, or control of animals within the City of Plano including, but not limited to, pet shops, grooming facilities, boarding kennels, and animal auction facilities. This term does not include veterinary or medical facilities, research or other facilities licensed by government agencies, wildlife educational centers, and zoological parks.

Animal Exhibition means any temporary spectacle, display, event, exhibition or act featuring one or more performing animals including, but not limited to, circuses, pony rides, animal exhibits, weight pull events, and petting zoos. This term does not include resident or non-resident dog and cat shows which are sponsored by the Animal Services Department. For this definition, temporary means lasting seven (7) days or less.

Animal Fighting Paraphernalia means any item or equipment that is designed, adapted, or used for animal fighting purposes, including, but not limited to, instruments designed, adapted, or used in a manner that attaches to the leg of a bird, such as a knife, gaff, or other sharp instrument, or items used to train or condition animals to fight, such as hanging devices or “bite sticks.”

Animal Housing Enclosure means any structure or other enclosure contained within the owner’s property limits and designed, adapted, or used to segregate an animal to a smaller area or restrict an animal to a limited space, including, but not limited to, pens, kennels, dog runs, rooms, cages, compartments, hutches, coops, and fenced portions of a yard or property. This term does not include the term *shelter* as defined in this section.

Animal Services Director means the Director of the City of Plano Animal Services Department and his authorized designees.

Animal Services Facility means an establishment operated by the City of Plano for the temporary confinement, safekeeping, and control of animals which come into the custody of the City of Plano.

Animal Services Officer means a person designated by the City to represent and act for the City in the impounding of animals, controlling of animals running at large, and enforcing the provisions of this chapter and all regulations relating to animals as authorized by state or federal law.

Assistance animal has the meaning assigned in Chapter 121 of the Texas Human Resources Code, as amended.

At large means an animal that meets at least one (1) of the following criteria:

- (a) An animal that is not confined to the premises of the owner by substantial physical means of restraint of sufficient height, strength, and/or manner of construction to preclude the animal from leaving the premises of the owner or being able to come within six (6) feet of any public area;
- (b) An animal that is not under direct physical control of a person by means of a tether of sufficient strength and of a length of not more than six (6) feet.

The term “At Large” does not apply to an animal that is lawfully in any off-leash site or dog park authorized by the City of Plano or the City of Plano Code of Ordinances, so long as the person with care, custody, or control of the animal is in compliance with all other requirements of the Plano Code of Ordinances. This definition does not apply to an indigenous wild or feral animal.

Auction means any facility where animals are regularly bought, sold, or traded to the highest bidder. This definition does not apply to individual sales of animals by private owners.

Backyard cottage means a detached dwelling unit subordinate to and located on the same lot as a Single-Family Residence (detached) dwelling unit.

Basic Grooming means maintaining the eyes, ears, beaks, hooves, feet, nails, coat, and skin of an animal in such a manner that is reasonably necessary for the health and safety of the animal.

Business day means a day during which the City of Plano Animal Shelter is open for business.

Bodily injury means physical pain, illness, or any impairment of physical condition that would cause a reasonably prudent person to seek treatment from a medical professional or veterinarian without regard to whether the person actually sought the treatment. This term includes, but is not limited to, a bite or scratch wound and any bodily injury resulting from the victim attempting to escape or prevent contact with the injuring animal.

Cat means a domesticated member of the feline family (*Felis domesticus*) other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar or other prohibited feline, or any hybrid thereof.

Chicken coop means a covered, predator-resistant chicken house that is designed to be easily accessed, cleaned, and maintained, and meets all the specifications for a shelter, animal housing enclosure, and any other applicable requirements of this Chapter.

City means the City of Plano.

City Enforcement Agent means any designee of the City of Plano Animal Services Director, any Animal Services Officer, or law enforcement officer that is employed by the City of Plano.

Commercial Breeder means any owner who breeds animals or transfers ownership of more than twelve (12) animals or more than two (2) litters, clutches, or other groups of offspring (whichever is greater) of any breeding animal during any twelve (12) consecutive month period to another person for the purpose of breeding, show, personal pet, slaughter, or resale to a third person.

Conviction means:

- (a) an adjudication of guilt;
- (b) a sentence imposed by a court;
- (c) a court order of community supervision, including deferred adjudication.

Culpable Mental States: with regards to a person's acts, the words intentionally, knowingly, recklessly, and with criminal negligence have the meanings assigned in Chapter 6 of the Texas Penal Code, as amended.

Currently vaccinated means an animal that is considered to have a current anti-rabies vaccination according to the Texas State Rabies Control Act, as amended, and the minimum standards established by the appropriate state agency or rule-making board.

Dangerous animal means:

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

- (c) An animal that commits an unprovoked attack on a human being that causes serious bodily injury or death and occurs in an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own unless the person who was attacked was trespassing or otherwise violating the law by being within the enclosure;
- (d) An animal that is at large and commits an unprovoked attack on a domestic animal that causes the death of the attacked animal; or
- (e) An animal that is at large and commits an unprovoked attack on a domestic animal that causes serious bodily injury to the attacked animal and the attacking animal has already committed at least one unprovoked attack on a previous occasion against a human being or domestic animal.
- (f) The term Dangerous Animal does not include an animal that commits an unprovoked attack on a human being in an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure where the person who was attacked was trespassing or otherwise violating the law by entering the enclosure;

Department means the City of Plano Animal Services Department.

Designated caretaker means the provisional assumption of ownership for the purposes of administering preventative immunizations and treatment including emergent humane euthanasia as directed by a licensed veterinarian in the event of suffering during an animal's stray hold period at an impound facility.

Direct physical control means having precautions in place so the person may exercise physical control over the animal in the event it should become necessary to do so to protect the animal, a human, or another animal from harm. For the purposes of this chapter, voice control, shock collars, e-collars, and collar-mounted electronic training devices, regardless of the animal's proximity or training status, shall not be considered direct physical control.

Dog means a domesticated member of the canine family (*Canis familiaris*), other than a wolf, jackal, fox, dingo, coyote, or other prohibited canine, or any hybrid thereof.

Domestic Animal means any animal that lawfully may be kept as a pet or as livestock within the City of Plano so long as all of the required provisions of this chapter are met, ownership or possession of said animal is not prohibited by any international, federal, local or state law, and it is not a Wild Animal, as defined herein, including but not limited, to the following animals:

- Reptiles – Any non-venomous reptile that does not typically reach total lengths greater than eight (8) feet;
- Birds – Any birds commonly kept as pets, or any bird kept for falconry purposes by a state and federally permitted falconer;
- Amphibians – Any frogs or toads commonly kept as pets;
- Fish – Any fish commonly kept as pets; and
- Mammals – Any mammals commonly kept as pets or livestock including, but not limited to, dogs, cats, ferrets, rabbits, guinea pigs, hamsters, hedgehogs, rats, mice, chinchillas, sugar gliders, horses, cows, alpacas, and llamas.

Dwelling unit means a building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters of a family and including facilities for food preparation, sleeping, and sanitation.

Estray means any branded or unbranded livestock, fowl, exotic livestock, or exotic fowl found running at large.

Estrus means a regular period of reproductive excitement in female mammals, during which the animal seeks to mate.

Euthanasia means the termination of an animal by a person using methods authorized by state and federal laws.

Exercise yard means an enclosure attached to a chicken coop that provides exercise for backyard chickens and is constructed to prevent the backyard chickens from escaping such enclosure and offers protection from predators.

Feral Animal means any unowned, untamed animal living in the wild that will not voluntarily accept handling by human beings despite usually being considered a domestic animal.

Health Director means the Director of the City of Plano Environmental Health Department and his authorized designees.

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

Identification means any acceptable method, such as microchipping, registration tag, or tattoo, which can be used to readily trace the current ownership of an animal.

Impound means the placing of an animal in the City's Animal Services Facility.

Inhumane Treatment of Animals means any treatment of an animal prohibited by any provision of this chapter or described in Article II, Section 4-26 of this chapter

Intact means any animal that has not been sterilized.

Kennel means any lot, building, structure, enclosure, or premises where five (5) or more adult animals are kept and wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats, or other animals.

Livestock means or includes domesticated animals typically kept to provide food or fiber or perform work, whether or not they actually provide these functions, including but not limited to, regardless of age, sex, or breed: horses, consisting of all equine species including ponies, mules, donkeys, jackasses, and burros; cattle, consisting of all bovine species; sheep, consisting of all ovine species; llamas and alpacas; goats, consisting of all caprine species; rabbits kept primarily outdoors or raised as a food or fiber source; chickens, ducks, and other fowl; and pigs or hogs, consisting of all swine species.

Local Rabies Control Authority (LRCA) means the person designated by the governing body of a municipality to enforce the Texas Health and Safety Code, as amended.

Local Rabies Control Incident (LRCI) means any bite, scratch, or other injury to a person caused by a warm-blooded animal that breaks the victim's skin and/or causes him or her to bleed and potentially come into contact with the injuring animal's saliva and could therefore allow the rabies virus to be transmitted from the animal to the person.

Microchip Implant means a passive electronic device that is injected into an animal by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for purposes of animal identification and recovery by the animal's owners. The microchip implant shall be supplied with an exterior collar-type tag for purposes of an external means of notifying others that the animal has been implanted with a microchip.

Microchip Reader means an electronic scanner with an operating frequency that is able to detect a microchip that has been implanted in an animal, and displays the number of the microchip to its operator. The microchip reader shall be of a type that activates and displays the number of a microchip manufactured by multiple vendors.

NASAR means the National Association for Search and Rescue, which is a non-profit corporation that provides training and certification resources for search and rescue, and emergency rescue efforts.

Nesting box is a clean, dry, enclosed area in a coop designed to facilitate egg laying that is large enough to allow each hen being kept to sit, stand up, and turn around easily, with sufficient bedding material or nest pads to reduce egg breakage during laying.

Notice means by personal service, certified mail (return receipt requested), or a written notice left at the entrance to the premises where the animal is harbored.

Notify and notification, unless otherwise defined in this chapter, a requirement to notify the Department, means to contact the Department at (972) 769-4360 and speak with an employee of the Department or leave a voicemail. Notification shall be made immediately, but only as soon as can be done so safely.

Offer to Transfer Ownership means to offer to convey ownership rights, in person, electronically, or by any other means, of an animal from one person to another by any means, including, but not limited to, auctioning, selling, giving away, delivering, trading, or bartering.

Owner means any person or persons, firm, partnership, corporation, association or entity that harbors, shelters, keeps, controls, manages, possesses or has whole or part interest in any animal. The occupant, owner or head of household of any premises where an animal remains for seventy-two (72) hours or more shall be presumed to be the owner of the animal. The presumption may be rebutted with proof that the animal has been reported to the Department as a stray animal as required in Section 4-201 of this chapter. A property owner, occupant, or head of household of any premises on which a dog or cat remains or customarily returns to is an owner for purposes of this chapter. If a person under the age of seventeen (17) years owns an animal, the parent, legal guardian, or the head of the household shall be the owner for purposes of this chapter. There may be more than one person who is the owner or responsible for an animal. This term shall include persons who are in temporary possession of the animal, including but not limited to, pet sitters, groomers, boarders, walkers, and trainers.

Owner's Agent means a person who has been authorized by the owner to act on his behalf.

Person shall have the meaning assigned in chapter 1, section 1-3 of the City of Plano Code of Ordinances. The term *person* shall include the term *owner*.

Pet Grooming Facility means an establishment that provides basic grooming for domestic animals but does not routinely board animals for a fee. For the purposes of this chapter, a veterinary clinic that provides basic grooming is not a pet grooming facility.

Police Service Animal means an animal owned by the City of Plano, or other governmental law enforcement agency, specifically trained or equipped to assist personnel in a law enforcement capacity.

Pony Ride means the use of any horse, pony, mule, donkey, jackass or burro to provide rides to, or to pull wagons containing, individuals other than the animals' owners, whether gratuitously or for a fee.

Private Animal Sale means the individual transfer of ownership of an animal, other than a wild animal, by a private owner to another private owner that occurs on the property of either the seller or buyer.

Private Owner means an owner who is not a permitted commercial breeder or permitted animal establishment.

Quarantine means to confine and isolate from human beings and other animals in a state-approved quarantine facility or in compliance with all stipulations of a home quarantine when allowed by the Local Rabies Control Authority. The quarantine period for a dog, cat, or a domestic ferret for rabies observation is two hundred forty (240) hours from the date and time of the bite, scratch or other exposure, or as specified by state law or rule.

Releasing Agency means any public or private animal pound, shelter, or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

Restrain means to control an animal by physical means.

Roosting Space means a perching area made of non-metallic material that is elevated above the floor level of the nesting box(es), located so that all housed chickens can sit, stand up, and turn around without coming into contact with a wall, the ceiling, or a perch above it, and staggered so that no roosting space is directly above or below it.

SARTECH III means basic level of certification of persons issued by the National Association for Search and Rescue.

Search and rescue activity means any activity by a trained search and rescue dog under the direction and control of a non-profit search and rescue organization or governmental entity to assist in the location of lost or missing persons or for other law enforcement or public safety purposes being performed at the request of a law enforcement agency.

Search and rescue organization means a group of volunteers operating as a non-profit organization that trains dogs to assist in the location of lost or missing persons or for other law enforcement or public safety purposes.

Search and rescue training means authorized training of a dog to provide search and rescue activities by a member of a permitted search and rescue organization in compliance with the requirements of their permit.

Secure Enclosure means an animal housing enclosure that meets all of the following criteria:

- (a) is located inside a separate fenced area;
- (b) is locked;
- (c) is capable of preventing the entry of the general public, including children;
- (d) is capable of preventing the escape or release of an animal in the enclosure;
- (e) is clearly marked as containing a dangerous animal;
- (f) has an attached, secure roof;
- (g) has a concrete floor or sides buried not less than two (2) feet into the ground and constructed to prevent the animal from digging under the secure enclosure and escaping;
- (h) is located a minimum of five (5) feet from any fence line or wall that abuts private property or a public area; and
- (i) complies with all additional requirements as established and provided in writing to the owner by the Animal Services Department or this chapter.

Serious bodily injury means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Shelter means a structure that is capable of adequately providing cover and protection from heat, cold, and other environmental conditions. At minimum, a shelter must have three sides, a top, and a bottom and must be adequately ventilated. It must have bedding material. It must be large enough so that the animal can enter, stand, turn around, and lie down, but small enough to prevent the loss of body heat during cold weather.

Sterilized means an animal rendered incapable of reproduction.

Tether means any leash, chain, cord, rope, or other means of restraining an animal or the act of chaining, tying, fastening or otherwise securing an animal to a fixed point so that it can move or range only within certain limits.

Transfer Ownership means to convey ownership rights of an animal from one person to another by any means.

Twelve (12) Consecutive Month Period means the twelve (12) month period immediately preceding the date of an event.

Unprovoked means that the animal was not hit, kicked, pulled, struck, pinched, poked, prodded, shocked, or squeezed by a person with an object or part of the person's body, or otherwise teased or tormented in any manner.

Vaccination means the inoculation of an animal with an anti-rabies vaccine that is licensed by the United States Department of Agriculture for use in that species and which is administered in accordance with the label's directions and all state and federal laws for the purpose of immunizing the animal against rabies.

Veterinary Hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of illnesses, diseases, and injuries of animals.

Wild Animal means any animal not normally considered domesticated, regardless of the state or duration of captivity, that can typically be found in a wild state which, because of its size, vicious nature, potential disease threat, or other natural characteristic(s), would constitute a danger to human life, property or domestic animals, or any animal that is restricted from ownership by any international, federal, or state law including, but not limited to, the following animals:

- Reptiles: venomous reptiles, crocodiles, alligators, any reptile that typically reaches a total length greater than eight (8) feet, and iguanas;
- Birds: emus, ostriches, or rheas;
- Mammals: ocelots, lions, tigers, jaguars, leopards, cougars, bobcats, wolves, dingoes, coyotes, jackals, elephants, armadillos, kangaroos, wallabies, wallaroos, opossums, beavers, porcupines, weasels, martins, minks, badgers, pandas, bears, raccoons, bats, foxes, skunks, cheetahs, servals, caracals, hyenas, squirrels, wild rabbits, or non-human primates;
- Any species illegal to own under federal or state law, or any animal which is, or may be hereafter, listed as a "high risk" animal in the Texas Rabies Control Act;
- Any hybrid of any animal classified as a Wild Animal.

Wild Animal Class I means non-native wildlife that present a serious threat to public health or safety including, but not limited to, chimpanzees, gorillas, gibbons, drills, mandrills, orangutans, baboons, siamangs, cheetahs, leopards, jaguars, tigers, lions, cougars, panthers, bears, rhinoceros, elephants, hippopotamuses, alligators, crocodiles (except dwarf), gavials, black caimans, Komodo dragons, venomous reptiles, and any hybrid of any animal classified as a Wild Animal Class I. For the purposes of this ordinance, all Wild Animals Class I are Wild Animals by definition and subject to regulation as either or both.

Wildlife Educational Center means an organization that has met all of the state and federal requirements to possess and display wild or domestic animals for educational purposes.

Wildlife Rehabilitator means a person holding all current state and/or federal permits needed to temporarily house allowed native wild animal species in his or her possession with the goal of rehabilitating the animal(s) and releasing it back into its natural habitat in accordance with all state and federal laws.

Zoological Educational Outreach Display means any temporary spectacle, display, event, exhibition, or act where the operator has met all state and federal requirements to possess and display Domestic, Wild, or Wild Class I Animals for educational purposes and is accredited through the American Zoological Association or Zoological Association of America. For this definition, temporary shall mean lasting seven (7) days or less.

Zoological Park means a government-operated facility displaying or exhibiting one or more species of non-domesticated animals.

Section 4-2. Enforcement, seizures and penalties.

- (a) The Animal Services Director and his designees shall be responsible for the enforcement of this chapter and all other ordinances in the City of Plano Code of Ordinances pertaining to animals, unless otherwise provided by law or this chapter.
- (b) The Animal Services Director and his designees shall be responsible for the enforcement of all laws and regulations of the State of Texas pertaining to animals that authorize the local health authority or animal services officers to enforce the same.
- (c) Any person violating any provision of this chapter by committing a prohibited act or by failing to commit a required act may be issued a Notice to Appear or Summons to Appear for such violation, and upon conviction thereof, the person shall be deemed guilty of a misdemeanor and punished as provided in section 1-4(b) of the Code of Ordinances of the City of Plano.

- (d) Each twenty-four (24) hour period of violation, and each separate animal or condition in violation of any provision of this chapter, shall constitute a separate offense.
- (e) For the purpose of proving violations of this chapter, the requirement of a culpable mental state is expressly waived, unless otherwise stated. If the definition of an offense under this chapter does not prescribe a culpable mental state, then a culpable mental state is not an element of the offense and is not required to be proven for conviction of the offense. Such offense shall be punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00).
- (f) City Enforcement Agents are authorized to seek a warrant or order from a court of competent jurisdiction to enforce this chapter, pursuant to all applicable local, state, and federal laws.
- (g) City Enforcement Agents shall have the power to search, seize and impound an animal with a warrant or court order under one (1) or more of the following conditions:
 - (1) When the City Enforcement Agent has probable cause to believe that the animal creates a nuisance as described in section 4-51 (a) of this chapter;
 - (2) When the City Enforcement Agent has probable cause to believe that the animal has been abandoned or is being treated inhumanely as described in this chapter;
 - (3) When the City Enforcement Agent has probable cause to believe that the animal has rabies or has been exposed to rabies;
 - (4) When the City Enforcement Agent has probable cause to believe that the animal is not being quarantined for rabies observation under appropriate conditions as defined in this chapter;
 - (5) When the City Enforcement Agent has probable cause to believe that the animal meets the definition of a Dangerous Animal as defined in this chapter;
 - (6) When the City Enforcement Agent has probable cause to believe that the animal has been involved in a LRCI; or
 - (7) When the City Enforcement Agent has probable cause to believe that the animal is being possessed or harbored in violation of this chapter.

- (h) City Enforcement Agents shall have the power to search, seize and impound an animal without a warrant or court order, with probable cause as set forth in 4-2 (g) (1-7), of the Code of Ordinances of the City of Plano, under the following conditions:
 - (1) On public property, in all cases;
 - (2) On private property, if:
 - a. The consent of the resident or property owner, or someone with apparent authority to consent, is obtained; or
 - b. Exigent circumstances exist, the City Enforcement Agent reasonably believes that there is imminent danger of serious bodily injury or death to a human being, another animal, or the animal in question, and there is insufficient time to obtain a warrant.
 - (3) Upon the request of a peace officer if the owner is not available and there is no one seventeen (17) years of age or older to accept responsibility for the animal.
- (i) A City Enforcement Agent shall have forty-eight (48) hours or the next day the Municipal Court is open for business, whichever is later, from the time of the animal's seizure to request a hearing in the Plano Municipal Court to determine the disposition of the animal in accordance with this chapter. If no hearing is requested, the animal shall be returned to its owner upon request from the owner.
- (j) The City Enforcement Agent is authorized to use necessary force, including but not limited to breaking a vehicle's window, to make lawful seizures of animals pursuant to this chapter, subject to all local, State, and Federal laws and court orders.

Section 4-3. Duties.

- (a) The Animal Services Director or his designee shall act as the Local Rabies Control Authority for the City. If the Animal Services Director position is vacant or he is unavailable, and his designee has not been identified, then the City Manager shall designate the Local Rabies Control Authority.
- (b) Any City Enforcement Agent shall have the authority to issue notices to appear and file probable cause affidavits for any violations of this chapter, to file affidavits supporting search and/or seizure warrants, and any other power or duty stated within the terms of this chapter.

Section 4-4. City exempt.

City facilities and operations are exempt from the requirements of this chapter.

Section 4-5. Fees.

All fees for this chapter shall be reviewed, set and adopted by a resolution of the city council. The following is not intended to be an exhaustive listing of fees. Fees shall be assessed for: annual registrations; dangerous animal registrations; lost registration tag; permits for animal businesses; impounded animals; boarding of animals; sterilization of animals; implanting microchips in animals; adoption of animals; vaccination of animals; disposal of deceased animals; local rabies control authority incidents; livestock capture.

The Animal Services Director or his designee shall have the authority to reduce, refund, or waive fees under this chapter.

ARTICLE II. TREATMENT OF ANIMALS

Section. 4-26. Inhumane treatment of animals.

- (a) A person commits an offense if, either through his action or omission, he:
 - (1) Docks the tail or removes the dew claws of an animal over five (5) days of age, or crops the ears of an animal of any age, unless he is licensed to practice veterinary medicine in the State of Texas;
 - (2) Transfers ownership or otherwise physically removes from its mother any dog, cat, ferret, or rabbit less than six (6) weeks old, or any other animal that is not yet weaned, except as advised by a licensed veterinarian;
 - (3) Dyes or otherwise artificially colors any animal;
 - (4) Displays, transfers ownership, or offers to transfer ownership of any dyed or otherwise artificially colored animal;
 - (5) Abandons any animal that he or she has possession or ownership of at the Animal Services Facility, at any other place of business, on public property, or with any person that has not consented or has revoked consent to be responsible for the care of the animal;
 - (6) Fails to reclaim any animal that he owns from the Animal Services Facility or any person who had temporary possession of the animal;

- (7) Fails to notify the Department within twenty-four (24) hours after a motor vehicle being operated by him strikes an animal;
- (8) Euthanizes, kills or attempts to euthanize or kill an animal in a manner other than one allowed in this chapter;
- (9) Carries or transports an animal in any motor vehicle, conveyance, or trailer and fails to effectively restrain the animal so as to prevent the animal from leaving or being accidentally thrown from the vehicle, conveyance, or trailer;
- (10) Places or confines an animal, or allows an animal to be placed or confined, in a motor vehicle, conveyance, or trailer without providing adequately for the necessities of life, including air, food, potable water, sanitary conditions, shelter, or protection from the heat, cold, or other environmental condition, or under other circumstances that may cause bodily injury, serious bodily injury, or death of the animal;
- (11) Causes or allows an animal to remain in its own filth;
- (12) Owns or has care, custody, or control of an animal having an infestation of ticks, fleas, or other parasites, without having the animal treated by a veterinarian or following a proper commercially available treatment regimen for the infestation;
- (13) Owns or has care, custody, or control of an animal having an obvious or diagnosed illness, injury, or communicable illness transmittable to animal or human, without having the animal treated by a veterinarian or following a proper treatment regimen for the injury or illness;
- (14) Fails to provide basic grooming for an animal;
- (15) Causes, allows, or trains an animal to fight another animal or possesses animal fighting paraphernalia or training equipment;
- (16) Fails to adequately provide an animal owned by him or under his care, custody, or control with necessities of life, including food, potable, non-frozen water in a clean container suitable for the size, species, and number of animals being housed, sanitary conditions, shelter, and protection from heat, cold, and other environmental conditions or circumstances that may cause bodily injury, serious bodily injury or death of the animal;

- (17) Mutilates or allows to be mutilated any dead animal for reasons other than food preparation or taxidermy. Dissection in compliance with medical or veterinary research, medical or veterinary necropsy, and bona fide educational use of dead animals shall not be considered mutilation;
 - (18) Attaches or allows to be attached a collar or harness to an animal that is of an inadequate size so that it restricts the animal's growth or causes damage to the animal's skin;
 - (19) Attaches or allows to be attached a tether that is not appropriately sized for the animal or so heavy as to restrict or burden the animal's movements;
 - (20) Displays, transfers ownership, or offers to transfer ownership of any turtle with a carapace of less than four inches in length;
 - (21) Teases, taunts, beats, or provokes an aggressive reaction from an animal; or
 - (22) Fails to prevent the breeding of flies, mosquitos, or other insects or the growth of plant material in any water troughs, bowls, tanks, or other containers.
- (b) Animals seized pursuant to this section may be impounded and the City Enforcement Agent may petition the municipal court for a hearing to determine whether the animal was inhumanely treated and to determine the disposition of the animal. The petition shall be filed within 48 hours of the seizure. If the court is not open during this 48 hour period, the petition shall be filed the next day the court is open for business. If a hearing is not requested, then the animal shall be returned to the owner upon request of the owner.
 - (c) This section shall not be interpreted to restrict the lawful activities and legitimate operations of rodeos, 4H Clubs, or FFA Clubs.

Section 4-27. Placement and baiting of animal traps and poison.

- (a) Humane traps shall be used to trap animals within the City, whether on public or private property. The person who places the trap, or who requests its placement, shall be responsible for checking the trap, the care of the animal while it is in the trap, and the notification to the Department of any captured animal. All traps shall be checked at least daily.

No traps shall be placed upon public property without written permission from the Department. It shall be the responsibility of the person setting the trap to properly label the trap indicating the name and contact information for the owner and the date permission was obtained from the Department.

- (b) All captured domesticated animals shall be turned over to the Department, unless the animal is captured as part of a feral animal neutering program that has obtained written permission from the Animal Services Director to place traps within the City. All captured wild animals shall be turned over to the Department, a Wildlife Educational Center, or state-licensed Wildlife Rehabilitator within twenty-four (24) hours.

- (c) Offenses:

A person commits an offense if he:

- (1) Places, or places and baits, or allows the placing or placing and baiting, of an steel-jawed trap (commonly known as a "bear trap", "wolf trap", "leg hold trap", or "coyote trap"), a body hold trap (commonly known as "connibear trap"), any snare trap, any noose-type trap, or any other trap designed, used, or adapted to be lethal or cause serious bodily injury or death of an animal;
- (2) Places or allows the placing of any substance, article, or bait that has in any manner been treated with any poisonous or toxic substance, including anti-freeze, or any drug in any place accessible to human beings, birds, dogs, cats or other animals with the intent to kill or harm animals;
- (3) Fails to check a trap he has placed, placed and baited, or allowed to be placed or placed and baited at least once every twenty-four (24) hours;
- (4) Places, or places and baits, or allows the placing or placing and baiting of any trap when the overnight low temperature is expected to be below forty (40) degrees Fahrenheit without first obtaining written permission from the Department;
- (5) Places, or places and baits, or allows the placing or placing and baiting of any trap under conditions which may endanger the health of the animal due to exposure to rain, snow, extreme temperatures, lack of food or water, or under other circumstances that may cause bodily injury, serious bodily injury or death of the animal, whether or not such injury occurs;

- (6) Euthanizes, kills or attempts to euthanize or kill a trapped animal in a manner other than one specifically allowed in this chapter;
 - (7) Places or places and baits a trap or allows the placing or placing and baiting of any trap designed for trapping animals in any highway, street, alley, or other public place within the incorporated limits of the City unless specific written permission by the Department has been granted. This subsection shall not apply to a City Enforcement Agent or an agency working in compliance with written permission from the Department for placing the trap on public property;
 - (8) Removes, alters, damages, or otherwise tampers with a trap or equipment belonging to or placed at the request of the Department;
or
 - (9) Places, or places and baits a trap, other than a commercially available trap solely designed to exterminate mice, rats, or insects, for commercial profit, without identifying the trap with the name, telephone number, and Texas Department of Agriculture Structural Pest Control Applicator license number of the applicator who placed or placed and baited the trap.
- (d) Any trap found to be set in violation of this chapter may be confiscated by a City Enforcement Agent and held as evidence in the case for the offense.
 - (e) This section shall not be interpreted to restrict the extermination of rats, mice, or insects, through the use of traps, poisons, or other commercially available means when used in that person's residence, property, accessory structure, or commercial establishment and in accordance with the manufacturer's directions as long as reasonable precautions are taken to ensure that no human, pet, or wild animal, other than the targeted species, comes into contact with the traps, poisons, or other means and that does not violate any other section of this chapter.

Section 4-28. Tethering animals.

- (a) A person commits an offense if he tethers an animal to a stationary object for any length of time except as allowed by subsections (b) and (c) of this Section.
- (b) Restraint on the owner's property or for a lawful animal event, veterinary treatment, grooming, training, law enforcement activity, or when needed to protect the safety or welfare of a person or animal, shall be allowed provided that all of the following conditions are met:

- (1) The animal's owner maintains continuous, direct physical control of the animal throughout the period of restraint;
 - (2) The tether is attached to a properly fitting collar or harness and is not wrapped around the animal's neck. Choke or prong-type collars are prohibited;
 - (3) The tether is designed and placed in a manner to prevent entanglement or injury; and
 - (4) The tether does not allow the animal to move outside the person's property or come within ten (10) feet of public property if tethered outside a fenced area.
- (c) A "skyline" type aerial trolley consisting of a line that is strung between two fixed points that are at least twenty (20) feet apart with a down line that is at least five (5) feet in length is allowed as long as the requirements of Section 4-28(b)(2-4) are met and the animal is enclosed behind a fence of adequate size and strength capable of preventing the general public, including children, and other animals from entering the area.

Section 4-29. Animal housing enclosure requirements.

- (a) All animal housing enclosures must be securely built, adequately sized for the kind, size, and number of animals housed, maintained in a sanitary condition so that flies or mosquitoes are not allowed to breed and odors are not offensive to adjacent residences or businesses, in compliance with all other requirements of this chapter, City zoning laws, and the following minimum standards:
- (1) Enclosures housing fewer than five (5) animals must be at least twenty (20) feet from any adjacent building, excluding any building owned by the owner of the animals;
 - (2) Enclosures housing five (5) or more animals must be at least fifty (50) feet from any adjacent building, excluding any building owned by the owner of the animals;
 - (3) Enclosures used as an area for a dog to regularly eat, sleep, drink, and/or eliminate must have at least one hundred (100) square feet of space for each dog six (6) months of age or older that is housed there;
 - (4) In addition to all other requirements under this Chapter, enclosures used to house backyard hens must have an enclosed coop with at least four (4) square feet of space for each hen housed and an

attached exercise yard that has at least eight (8) square feet of space per hen housed. The coop may be located above the exercise yard provided that the maximum height is in compliance with all accessory building restrictions; and

- (5) Enclosures shall be located, constructed, and maintained so that the animals being housed are protected from inclement weather, harassment, stings and bites from insects, and attacks by other animals.
- (b) A person commits an offense if he fails to provide an enclosure or enclosures meeting the criteria set forth in this section.
- (c) Dangerous animal enclosures shall also meet the requirements of a secure enclosure as set out in this chapter.

ARTICLE III. PUBLIC NUISANCES

Section 4-51. Nuisances.

- (a) A person commits an offense if the person is an owner of an animal and the person permits, or by insufficient control allows, any of the following to occur:
 - (1) Creation of any condition on the owner's property, or that carries over to an adjacent property, that renders the ground, the water, the air or the food hazardous or injurious to human or animal life or health or that is offensive to the senses or that is detrimental to the public health;
 - (2) The animal to be at large as defined by this chapter;
 - (3) Creation of a condition conducive to the breeding of flies, mosquitoes, ticks, fleas, or other pests;
 - (4) Breeding or causing to be bred any animal within the public view; or
 - (5) Allowing any female animal in estrus to be on any public property, or any private property not owned by the animal's owner, except to transport said animal to a veterinarian for treatment or to a planned breeding in compliance with all other provisions of this chapter.

- (b) A person commits an offense if the person causes an animal not owned by him to be at-large by intentionally, knowingly, or recklessly releasing a confined animal.
- (c) A person commits an offense if the person is the owner of an animal and the person fails to immediately remove and dispose of any excreta the animal produces.
- (d) A person commits an offense if the person is the owner of an animal and fails to visibly have in his possession materials that can be used to immediately remove and dispose of any excreta the animal produces.
- (e) It is an affirmative defense to prosecution under subsections 4-51 (c) and (d) if the owner proves by preponderance of the evidence that:
 - (1) The property where the animal defecated was owned, leased, or controlled by the owner of the animal at the time it defecated;
 - (2) The animal was an assistance animal, and at the time it defecated, the animal was in the presence of its disabled person or was present on the property of its disabled person;
 - (3) The owner of the property or person in control of the property had given prior consent for the animal to defecate on the property;
 - (4) The animal is a police service animal being used in official law enforcement activities; or
 - (5) The animal is under the direction and control of a non-profit search and rescue organization participating in an authorized search and rescue activity.
- (f) It is an affirmative defense to prosecution under subsection 4-51(a)(2, 4 and 5) if the owner proves by a preponderance of the evidence that the animal was at large due to forces of nature, fire, or the criminal act of a third party who was not residing at the animal owner's residence.
- (g) After the third offense resulting in conviction, as defined in this chapter, of any person with care, custody, or control of an animal, for violating subsection 4-51(a) in any twelve (12) consecutive month period, a City Enforcement Agent may petition the City of Plano Municipal Court for a hearing to determine if such animal is a continuing public nuisance. After the hearing, a Plano Municipal Court judge may order the:

- (1) Disposition of the animal as provided in Article IV of this chapter, except that the animal may not be returned to the location where the animal resided at the time of the nuisance action;
 - (2) Exclusion from the City limits of Plano of the animal; or
 - (3) Return of the animal to the owner.
- (h) After an order in subsection (g) is issued by the municipal court, the owner shall comply with the order or within the time specified in the court order, or if no time for compliance is specified in the order, within forty-eight (48) hours after the order is signed by the judge.
- (i) If a judge orders that the animal is to be removed from the City limits of Plano, the owner shall provide the address of the location of the animal to the Animal Services Director in writing within seventy-two (72) hours of the signing of the order.

ARTICLE IV. IMPOUNDMENT, REDEMPTION AND DISPOSITION OF ANIMALS

Section 4-61. Impoundment.

- (a) Impoundment:
- (1) Rabies: The City Enforcement Agent shall impound and quarantine any animal that he has probable cause to believe was exposed to or infected with rabies. Any animal that exhibits symptoms of the rabies disease during quarantine shall be euthanized;
 - (2) Owner's absence: The City Enforcement Agent shall impound an animal at the request of a peace officer or owner of the property where the animal is located when the owner of the animal has been arrested, hospitalized, is missing, has died, or when the owner is being lawfully evicted from his premises and there is no person present seventeen (17) years of age or older who will assume responsibility for the animal;
 - (3) Animal at large: The City Enforcement Agent may impound an animal found to be at large;
 - (4) Dangerous animal: The City Enforcement Agent shall follow the procedures for impoundment of dangerous animals set forth in Article IX of this chapter;

- (5) Unauthorized possession: The City Enforcement Agent may impound an animal if the City Enforcement Agent has probable cause to believe the animal is being possessed in violation of local, state, or federal law;
 - (6) Inhumane treatment: The City Enforcement Agent may impound an animal if the City Enforcement Agent has probable cause to believe the animal has been inhumanely treated as defined by this chapter; or
 - (7) LRCI: The City Enforcement Agent may impound and quarantine an animal the Agent has probable cause to believe has been involved in a LRCI.
- (b) The animal shelter shall be considered the designated caretaker of an impounded animal immediately upon intake at the shelter. After the expiration of any required holding period, the city shall become the full owner of the animal in question and may dispose of it in accordance with this chapter.

Section 4-62. Redemption of impounded animals.

In order for a person to redeem an impounded animal he must meet the following requirements:

- (a) Conditions for redemption of animals:
 - (1) Rabies vaccination of the animal is required.
 - a. For the purposes of this subsection, sufficient proof of an animal's current rabies vaccination shall be either a rabies vaccination certificate issued by a licensed veterinarian or verbal or written confirmation of a current rabies vaccination by the licensed veterinarian who administered the vaccination.
 - b. If the owner cannot prove that the animal has a current rabies vaccination, the owner shall pay a fee to have a rabies vaccination given prior to the release of the animal.
 - c. If a vaccination cannot be given at the time of the redemption the owner shall have seven (7) business days to provide written proof of obtaining a current rabies vaccination to the City Enforcement Agent.

- d. If, in the opinion of a licensed veterinarian, the rabies vaccination should not be given within the seven (7) business day period, the owner must provide a signed statement from the veterinarian stating why the vaccine should be temporarily delayed and when the vaccine may be given. The owner shall provide written proof of the administering of the vaccination to a City Enforcement Agent within forty-eight (48) hours.

(2) A Microchip Implant in the animal is required.

If the animal is not already identifiable by microchip, the owner shall pay a fee to have a microchip implanted into the animal prior to release.

(3) Sterilization of the animal is required.

- a. The owner shall submit proof of having the animal sterilized within thirty (30) days of its release. The proof shall be a completed sterilization certification form provided by the Animal Services Facility that is signed by the sterilizing veterinarian.
- b. Section 4-62(a)(3)a. shall not apply if the owner provides proof that the animal has a current City registration and rabies vaccination, the animal is identified by microchip or visible identification, and one or more of the following conditions is met at the time of impoundment:
 - 1. Either the animal is registered with a national registry; or the animal is a sporting dog, livestock dog, or working dog, and the owner was a member of a national breed club, local breed club, or sporting or hunting club; or
 - 2. The animal was a professionally trained assistance or police service animal; or
 - 3. The animal was at large due to forces of nature, fire, or the criminal act of a third party who was not residing at the animal owner's residence.
- c. Nothing in this subsection shall be construed as permitting sterilized dogs and cats to run at large.

- d. Upon the animal's first impound in any twelve (12) month period, and the owner chooses to have his animal sterilized prior to redemption, his impound fee shall be waived. The owner shall pay a sterilization fee and any other applicable fees prior to the animal being returned.
- e. Any animal that is impounded a second time in any consecutive twelve (12) month period shall be sterilized prior to redemption by the owner. This subsection shall not apply if the animal was at large due to forces of nature, fire, or the criminal act of a third party who was not residing at the animal owner's residence.

(4) City registration required

- a. If the owner cannot prove that the animal has a current city registration, the owner shall pay a fee to have the animal registered as required by Article VII of this Chapter.
- b. If the owner cannot prove that the animal has a current rabies vaccination, and a vaccination cannot be given at the time of redemption, the owner shall pay a fee to have the animal registered as required by Article VII of this chapter and given seven (7) business days to provide written proof of a current rabies vaccination to the City Enforcement Agent. The registration shall not be considered valid until the proof of rabies vaccination is provided by the owner.

(5) Payment of fees

The owner must pay all applicable fees before the animal is released.

(6) Wild animals

Impounded wild animals kept in violation of this chapter may not be redeemed and may be placed with a Wildlife Rehabilitator or Wildlife Educational Center or euthanized at the Animal Services Director's discretion.

- (7) A person commits an offense if he fails to provide the proof of rabies vaccination required in section 4-62(a) (1) (c. or d.).
- (8) A person commits an offense if he fails to provide the proof of sterilization required in section 4-62(a) (3) (a.).

- (9) A person commits an offense if he fails to provide the proof of city registration required in section 4-62(a) (4) (b.).
- (b) This section shall not apply if the animal was impounded:
 - (1) For being inhumanely treated as defined in this chapter and a hearing is pending or shall be pending to determine the disposition of the animal;
 - (2) As a dangerous animal as defined in this chapter and a hearing is pending or shall be pending to determine the disposition of the animal; or
 - (3) For investigation of rabies and the quarantine period has not expired.

Section 4-63. Disposition of animals.

- (a) Time limits
 - (1) Impounded animals with no means of traceable identification shall be kept for not less than three (3) business days, unless earlier reclaimed by the owner or the owner's agent or euthanized as allowed by this chapter.
 - (2) Animals with any type of traceable identification shall be kept for not less than ten (10) business days, or not less than three (3) business days from the time the owner is notified, whichever is the shorter time period, unless earlier reclaimed by the owner or the owner's agent or euthanized as allowed by this chapter.
 - (3) An animal impounded at the request of a peace officer or property owner as required by section 4-61(a)(2) of this chapter shall be kept for not less than ten (10) business days unless earlier reclaimed by the owner or the owner's agent or euthanized as allowed by this chapter.
 - (4) An impoundment period is not required for an animal voluntarily released to the Department by its owner.
 - (5) An impoundment period is not required for any wild animal.

(b) Injured or diseased animals

- (1) Any impounded animal, registered or unregistered, which appears to be suffering from serious bodily injury or disease and which is in great pain or suffering and probably will not recover or which appears to have an infectious disease which is a danger to humans or to other animals may be euthanized.
- (2) Any animal that is not displaying any type of identification and which due to its violent or feral nature poses a substantial risk of bodily injury to the safety of Department staff may be euthanized.

(c) After the expiration of any required impoundment period or immediately after being voluntarily released by its owner, the animal shall become the property of the City of Plano, all ownership rights for the animal shall transfer to the City of Plano, and the Department may dispose of the animal by any of the following methods, taking into consideration factors that may include, but not be limited to, the animal's behavior, aggressive tendencies, feral characteristics, health, and housing space availability, within the sole discretion of the Animal Services Director:

(1) Adoption

- a. The Department shall be authorized to place for adoption dogs or cats impounded by City under the following conditions:
 1. The Department shall evaluate all animals to determine if it is an adoption candidate, based on its health, temperament, and appropriateness for vaccination. However, authorization to place a dog or cat for adoption shall not constitute a warranty of the health, temperament, or age of the animal.
 2. There will be an adoption fee for all dogs and cats at an amount set by the Plano City Council. The fee will include the cost of sterilization, vaccination, implantation of a microchip, and licensing.
 3. All animals adopted from the Animal Services Facility shall be implanted with a microchip, vaccinated against rabies according to state guidelines, and sterilized.

4. If, in the opinion of a licensed veterinarian, there is a legitimate health risk justifying the delay of sterilization, the person adopting the animal must provide a signed statement from the veterinarian stating why the sterilization should be delayed and when the procedure may be performed. A legitimate health risk cannot be based solely on the age of the animal if the animal is at least eight (8) weeks old. The owner shall provide written proof to the Department of the completed sterilization within forty-eight (48) hours of the procedure.

b. If an adopted animal dies on or before the sterilization completion date, the adopting person must provide written documentation to the Department that the animal has died.

c. If an adopted animal is lost or stolen before the sterilization date, the adopting person must provide written documentation to the Department stating that the animal is lost or stolen and a copy of the police report, if any, of the theft. In order to be sufficient, the letter shall be delivered to the Department not later than the seventh (7th) business day after the date of the animal's disappearance and shall describe the circumstances surrounding the disappearance and the date of disappearance.

(2) Transfer to releasing agency or foster care

a. The Department may transfer ownership of the animal to a releasing agency that has a signed Transfer Agreement for Dogs and Cats on file with the Department provided that the group sterilizes and microchips the animal prior to placing it into an adoptive home.

b. The Department may temporarily place the animal in a foster home that has a signed Foster Agreement for Dogs and Cats on file with the Department.

(3) Euthanasia

The Department may euthanize the animal due to the animal's health or temperament, space limitations, or as otherwise deemed necessary by the Animal Services Director.

- (d) All decisions related to the disposition of an animal pursuant to Sec. 4-63(c) shall be made at the sole discretion of the Animal Services Director or his designee unless otherwise mandated by law or a court order.
- (e) A person commits an offense if he fails to provide the proof required in section 4-63(c) (1) (a.)(3.).

ARTICLE V. MULTIPLE ANIMALS

Section 4-81. Permit required for multiple pets.

- (a) Except as provided by this section, an individual property with one legal dwelling unit, not including dwelling units that are backyard cottages or accessory dwelling units, shall harbor no more than ten (10) adult animals, no more than four (4) of which may be intact dogs and cats. Any dwelling unit on a property that does not meet the above shall harbor no more than five (5) adult animals, no more than one (1) of which may be an intact dog or cat. No property shall harbor more than one (1) litter, clutch, or other group of offspring, whether whole or in part, at any time.
- (b) Any person desiring to keep more animals than allowed by subsection (a) may apply with the Department for a multiple pet permit. The applicant shall pay an application fee at the time of filing.
- (c) The Department shall issue the permit if the following conditions are met:
 - (1) Inspection required.
Applicants shall submit to an in-home inspection by the City Enforcement Agent prior to the issuance of a multiple pet permit. A permit shall not be issued if the inspection determines:
 - a. That the requested number of animals cannot be maintained without creating noise or odor nuisances;
 - b. That the requested number of animals cannot be maintained in a healthy and sanitary environment;
 - c. The number of intact dogs and cats exceeds Section 4-81 (a);
 - d. That any animal at the location is not in compliance with all provisions of this chapter.

- (2) No inspection required.
Applicants who provide proof of having a current multiple pet permit, and who have not obtained additional animals since their last inspection, and have had no enforcement actions for violating this chapter during the preceding twelve (12) months, may be issued a permit by mail without inspection. The Department may require an inspection during reasonable hours at their discretion regardless of the applicant's history.
- (d) All multiple pet permits issued under this section shall be valid for one (1) year from the date of issuance, and shall be valid only as to the applicant and location for which it was originally issued.
- (e) A person commits an offense if the person is a holder of a multiple pet permit and he refuses, upon request by a City Enforcement Agent during reasonable hours, to make his animals, premises, facilities, equipment, and any necessary registrations or permits, available for inspection.
- (f) A person commits an offense if the person is a holder of a multiple pet permit and he refuses to show his permit upon request by a City Enforcement Agent.
- (g) A person commits an offense if he harbors a greater number of animals than allowed in section 4-81(a) without obtaining a multiple pet permit.
- (h) A person commits an offense if he is the holder of a multiple pet permit and harbors more animals than authorized in his permit.

Section 4-82. Revocation, denial and appeal.

- (a) A City Enforcement Agent may revoke a multiple pet permit issued under section 4-81 or refuse to issue a permit if the permittee or applicant fails to meet the standards required in section 4-81, refuses to permit inspections of the premises, or violates any provision of this chapter.
- (b) A denial or revocation of a permit may be appealed to the Animal Services Director. The appeal must be made in writing within fifteen (15) days of receiving written notice of the permit denial or revocation from the Department. If no appeal request is received within the fifteen-day period, the denial or revocation of the permit becomes final. Upon receiving an appeal, the Animal Services Director or his designee shall hold a hearing at a time and place of his designation within fifteen (15) days of the appeal being received by the Department.
- (c) The decision of the Animal Services Director on the appeal of the denial or revocation of a multiple pet permit shall be final.

- (d) The permittee or applicant may reapply for a new permit under section 4-81 at any time.

ARTICLE VI. RABIES AND ZOONOSIS CONTROL

Section 4-91. State regulations adopted.

The City of Plano hereby adopts by reference the Texas State Rabies Control Act, as amended, and the standards established by the appropriate state agency or rule-making board as minimum standards for rabies control and quarantine provisions within the City of Plano.

Section 4-92. Rabies tag and vaccination certificate.

- (a) All animals that are required by the Texas State Rabies Control Act to have a rabies vaccination must have their current rabies tag affixed to a properly fitted collar or harness at all times. The owner shall retain the rabies vaccination certificate and make it available for inspection upon request by a City Enforcement Agent.
- (b) Rabies vaccination certificates will be valid for a period of time as determined by the issuing veterinarian in accordance with the Texas State Rabies Control Act.
- (c) A person commits an offense if he is the owner of an animal and fails to have the animal vaccinated as required by the Texas State Rabies Control Act.
- (d) A person commits an offense if he presents a rabies vaccination certificate to a City Enforcement Agent for any animal other than the animal for which the certificate was issued.
- (e) A person commits an offense if he attaches a rabies tag to any animal's collar or harness other than the animal for which the tag was issued.
- (f) A person commits an offense if he fails to display the rabies tag as required by this section.
- (g) A person commits an offense if he fails to provide proof of rabies vaccination upon request from a City Enforcement Agent.

Section 4-93. Notification of local rabies control incidents or zoonotic disease.

- (a) Any licensed veterinarian or technician working for a veterinarian who diagnoses, examines, or treats any animal diagnosed to have, or suspected to have, rabies, a non-natural infection of anthrax, avian influenza, brucellosis, campylobacteriosis, *Escherichia coli* 0157:H7, hantavirus, Lyme Disease, monkey pox, plague, Q-fever, rabies, Rocky Mountain Spotted Fever, Salmonellosis, Tularemia, West Nile virus, or any other zoonotic encephalitis, or other zoonotic diseases transmissible to humans, shall immediately report their findings to the Department.
- (b) Any physician or other medical or veterinary practitioner having knowledge of a local rabies control incident shall notify the Department of the names, addresses and phone numbers of persons or animals treated.
- (c) Any person owning or possessing an animal which has been involved in a local rabies control incident, or any other person having knowledge of the local rabies control incident, shall notify the Department.
- (d) A person commits an offense if he has knowledge of a local rabies control incident and fails to notify the Department within forty-eight (48) hours.
- (e) A person commits an offense if he has knowledge of any potential disease as listed in this section and fails to notify the Department within twenty-four (24) hours.

Section 4-94. Quarantine.

- (a) Any animal that a City Enforcement Agent has probable cause to believe was exposed to or is infected with rabies, or that the Agent has probable cause to believe has been involved in a local rabies control incident, shall be placed under quarantine. Animals shall be quarantined according to state law and rules and if the animal is not already identifiable by microchip, the owner shall pay a fee to have a microchip implanted into the animal prior to release. The seizure of animals for quarantine shall be pursuant to section 4-2 of this chapter.
- (b) Upon request by the owner, a home quarantine may be allowed if the Animal Services Director determines all state requirements for a home quarantine are met and the owner complies with all of the following requirements:
 - (1) Isolates the animal from all people and pets other than those that lived with the biting animal at the quarantining residence prior to the local rabies control incident;

- (2) Agrees to allow a City Enforcement Agent to inspect the animal and residence at any reasonable time during the quarantine period;
 - (3) Agrees to contact the Department immediately if the animal escapes from the residence, dies, attacks any other person or animal, exhibits any change in behavior, or exhibits any sign of illness;
 - (4) Confines the animal inside a residence or dwelling at all times other than times for evacuation of waste material. During evacuation, the animal shall be kept on a tether not more than six (6) feet in length and must remain under the direct physical control of an adult at all times;
 - (5) Agrees to keep the animal at the approved residence or dwelling throughout the quarantine period unless prior written approval to move the animal is obtained from the Animal Services Director;
 - (6) Agrees to keep the animal under quarantine until the animal is cleared by the Animal Services Director;
 - (7) Implants and registers a microchip in the animal in compliance with this chapter; and
 - (8) Agrees to immediately turn the animal over to a state-approved rabies quarantine facility for the duration of the quarantine period as ordered by the Animal Services Director if any section of this chapter is violated.
- (c) A person commits an offense if the person fails or refuses to immediately comply with the Animal Services Director's order to quarantine at the owner's residence or present for quarantine or testing at a state approved rabies quarantine facility, any animal that the Animal Services Director has probable cause to believe has been involved in a local rabies control incident.
- (d) A person commits an offense if the person fails or refuses to provide proof of complying with the Animal Services Director's order to implant and register a microchip in any animal that the Animal Services Director has probable cause to believe has been involved in a local rabies control incident.
- (d) Should a potential outbreak of rabies within the City be suspected and the danger to the public safety from rabid animals be reasonably imminent, the Health Director is hereby authorized to issue a quarantine proclamation, ordering persons owning, keeping, or harboring dogs, cats or other warm-blooded animals to muzzle the same or confine them for the time as may be

specified in the quarantine proclamation. Upon the publication of the proclamation by local newspapers, persons owning or harboring animals addressed by the proclamation shall confine them to premises unless they are effectively muzzled and under the control of an adult person by a tether not more than six (6) feet in length. After publication of the proclamation, an animal found to be in violation of the order or at large may be impounded or destroyed by a City Enforcement Agent if such agent is unable, with reasonable effort, to apprehend the animal for impoundment.

- (e) A person commits an offense if the person fails or refuses to immediately comply with the Health Director's order to quarantine an animal in response to a potential outbreak of rabies.

ARTICLE VII. ANIMAL IDENTIFICATION AND REGISTRATION

Section 4-111. City Registration Required.

- (a) All animals that are required by the Texas State Rabies Control Act to have a rabies vaccination must also be registered with the City. The City registration tag must be affixed to a properly fitted collar or harness at all times. The owner shall retain proof of the animal's city registration and make it available for inspection upon request by a City Enforcement Agent.
- (b) Subsection 4-111 (a) does not apply to animals temporarily within the City for a period not to exceed fourteen (14) days.
- (c) City registrations shall be on forms and tags furnished by the Animal Services Director and shall be issued subject to the provisions of this chapter.
- (d) The Department shall not issue a registration tag to an animal that is not currently vaccinated against rabies.
- (e) Registration tags shall be renewed annually.
- (f) A person commits an offense if he affixes a City registration tag to any animal's collar or harness other than the animal for which it was issued.
- (g) A person commits an offense if he is the owner of a dog, cat, or ferret over the age of four (4) months within the City of Plano and does not have a current City registration for the animal.
- (h) A person commits an offense if he fails to display the registration tag as required by this section.

ARTICLE VIII. ANIMAL BUSINESSES

Section 4-121. Permit required for animal establishments and commercial breeders.

- (a) Persons wishing to operate an animal establishment or to become a commercial breeder within the City of Plano must apply for an Animal Establishment or Commercial Breeder Permit. A permit shall be issued if the requisite fee is paid and the applicant complies with the following conditions:
 - (1) Cold and hot water and appropriate disinfecting/sanitizing chemicals for washing and disinfecting cages are easily accessible to all parts of the animal housing areas;
 - (2) Fresh, potable water shall be available to all animals at all times. Containers are cleaned and disinfected each day. All water containers shall be removable for cleaning and mounted, placed, or weighted so the animal cannot turn them over;
 - (3) The ambient temperature in the animal housing areas is maintained between 60-79°F at all times. The temperature and humidity in individual cages are maintained at levels that are healthful for the species of animals being housed and adequate ventilation is maintained in all animal housing areas;
 - (4) All cages and enclosures are constructed of a nonporous material for easy cleaning and disinfecting. Each cage and enclosure is of sufficient size that at minimum the animal will have room to stand, turn, and lie down in a natural position. Each cage and enclosure is thoroughly cleaned and disinfected each day. Each cage and enclosure is locked or otherwise secured to prevent the escape of any animal being kept. Injured or ill animals shall be kept isolated from healthy animals;
 - (5) Daily feeding records are maintained to ensure that all animals are fed a proper and nutritious diet specific to the species' needs. The daily feeding records shall be maintained or posted in a readily accessible location. All veterinarians' orders must be in writing and kept on record and available for inspection during the Animal Establishment's or commercial breeder's regular business hours. In general, all animals under six (6) months of age are to be fed at least two (2) times per twenty-four (24) hour period, or as advised by a veterinarian, and all other animals must be fed at least one (1) time per twenty-four (24) hour period, or as advised by a veterinarian. Food for each animal shall be served in a clean dish so constructed

or mounted that the animal cannot readily tip it over and be of the type that are removable for cleaning. Disposable feeding dishes are acceptable for one-time use only. Animals that do not require daily feedings are exempt from the daily feeding requirement; however, feeding records shall be maintained and the animal shall be kept in a healthful body condition;

- (6) Each bird must have sufficient room to stand upright without touching the top of their housing area and to spread their wings fully without touching the side of their housing area. Each bird shall have access to a perch that is placed horizontal to other perches in the same cage and is of adequate size for the species being housed. The housing area must be sufficiently ventilated. Large birds shall have separate cages from smaller birds. There shall be clean water and suitable food available to the birds at all times and all troughs or other receptacles must be easily accessible to the birds and placed so that the birds cannot turn them over or defile their contents. Injured, diseased, or dead birds shall be immediately removed from housing areas holding healthy birds;
 - (7) There is sufficient clean, dry bedding to meet needs of each individual animal;
 - (8) All animals are fed and watered, and all cages cleaned and disinfected every day including Sundays and holidays;
 - (9) All dogs, cats, and ferrets four (4) months of age or older have proof of being currently vaccinated against rabies; and
 - (10) Written procedures are in place to notify the Department of any local rabies control incident as required by Section 4-93 of this chapter.
- (b) A person commits an offense if he transfers ownership, offers to transfer ownership of any animal, provides boarding or daycare for any animal, places any animal up for auction, or otherwise provides services or engages in activities that require an Animal Establishment or Commercial Breeder Permit without possessing a valid Animal Establishment or Commercial Breeder Permit.
- (1) It is an affirmative defense to subsection 4-121(b) if the transfer was a private sale of the animal as authorized by this chapter.
- (c) A person commits an offense if he owns, operates, manages, or represents an Animal Establishment or Commercial Breeding Service and is in possession of, transfers ownership of, or offers to transfer ownership of any animal other than a domestic animal or female chicken.

- (d) A person commits an offense if he owns, operates, manages, or represents an Animal Establishment or Commercial Breeding Service and has a permit issued under this section and refuses, upon request by the Department, to make his animals, the portion of the premises that house or are used to service the animals, equipment, and any necessary registrations, veterinary records, feeding logs or permits available for inspection during regular business hours. If there are no set business hours, then the inspection may occur during reasonable hours.
- (e) A person commits an offense if he has a permit issued under this section and fails to comply with any condition required in section 4-121(a) or with any other condition of his permit. Each animal or condition in violation of this chapter shall constitute a separate offense.

Section 4-122. Permit required for animal exhibition.

- (a) The presenter or owner of the animal exhibition, or the property owner where the exhibit is to take place, must apply for an animal exhibition permit at least thirty (30) business days before the performance or display and provide exact dates, times, locations, transportation and housing arrangements, and animals involved in each performance or display. Permits shall only be issued to animal exhibitions that are in possession of all state and federal permits required to present such exhibitions. A permit shall be issued and remain valid for an exhibition period of not more than seven (7) days if the animal exhibition pays the required fee and complies with the following requirements:
 - (1) All cages or other animal housing areas are kept clean and free of wastes;
 - (2) Fresh, potable water is available to all animals at all times. Containers for food and water are cleaned and disinfected each day. All water containers shall be removable for cleaning and mounted, placed, or weighted so the animal cannot turn them over;
 - (3) If indoors, the ambient temperature in the animal housing areas is maintained between 60-79°F at all times. The temperature in individual cages is maintained at a level that is healthful for the species of animals being housed and adequate ventilation is maintained in all animal housing areas. If outdoors, the exhibition must immediately be halted if at any time the heat index exceeds 95°F;

- (4) All cages and enclosures are constructed of a nonporous material for easy cleaning and disinfecting. Each cage and enclosure is of sufficient size that at minimum the animal will have room to stand, turn, and lie down in a natural position. Each cage and enclosure is thoroughly cleaned and disinfected each day. Each cage and enclosure is of sufficient strength to contain the animal being housed within it. Each cage and enclosure is locked or otherwise secured to prevent the escape of any animal being kept;
- (5) Daily feeding records are maintained to ensure that all animals are fed a proper and nutritious diet specific to the species' needs. The daily feeding records shall be maintained or posted in a readily accessible location. All veterinarians' orders must be in writing and kept on record and available for inspection during the animal exhibition's regular business hours. In general, all animals under six (6) months of age are to be fed at least two (2) times per twenty-four (24) hour period, or as advised by a veterinarian, and all other animals must be fed at least one (1) time per twenty-four (24) hour period, or as advised by a veterinarian. Food for each animal shall be served in a clean dish so constructed or mounted that the animal cannot readily tip it over and be of the type that is removable for cleaning. Disposable feeding dishes are acceptable for one-time use only. Animals that do not require daily feedings are exempt from the daily feeding requirement; however, feeding records shall be maintained and the animal shall be kept in a healthful body condition;
- (6) Animals exhibiting any sign or symptom of illness or disease, such as diarrhea, vomiting, nasal discharge, or malaise, shall immediately be removed from the animal exhibition;
- (7) All animals being exhibited must have a health certificate that was issued by a licensed veterinarian within the twelve (12) months preceding the first day of the animal exhibition;

- (8) Each bird must have sufficient room to stand upright without touching the top of its housing area and to spread its wings fully without touching a side of its housing area. Each bird shall have access to a perch that is placed horizontal to other perches in the same cage and is of adequate size for the species being housed. The housing area must be sufficiently ventilated. The housing area must be cleaned every day and disinfected when birds are sold or otherwise transferred. Large birds shall have separate cages from smaller birds. There shall be clean water and suitable food available to the birds at all times and all troughs or other receptacles must be easily accessible to the birds and placed so that the birds cannot turn them over or defile their contents. Injured, diseased, or dead birds shall be immediately removed from housing areas holding healthy birds;
- (9) There is sufficient clean, dry bedding to meet needs of each individual animal;
- (10) All animals are fed and watered, and all cages are cleaned and disinfected every day during the exhibition, including Sundays and holidays;
- (11) All animals required by the Texas State Rabies Control Act to have a rabies vaccination must have proof of being currently vaccinated against rabies;
- (12) Animals being used to give rides or doing other work are in good physical condition, including their hooves or feet, and given not less than a thirty (30) minute break for each three (3) hours worked;
- (13) All areas used by the exhibitor are thoroughly cleaned and all wastes are properly disposed of at the conclusion of the exhibition. All manure and soiled bedding shall be removed immediately and all animal waste and specific tools for its removal must be stored in designated areas restricted from public access;
- (14) Written procedures are in place to notify the Department of any local rabies control incident as required by Section 4-93 of this chapter;
- (15) The animal exhibition is divided into three distinct areas that are separated by barriers:
 - a. Non-animal areas - where animals, with the exception of service animals, are not permitted;

- b. Transition areas - located at both entrances and exits to animal areas; and
 - c. Animal areas - where animal contact with human beings is possible.
- (16) The animal exhibition shall be designed so that there is a single entrance transition area leading to the animal area and a separate exit transition area leading out of the animal area. The permit holder shall be responsible for controlling visitor traffic to prevent overcrowding in any of these areas;
 - (17) Entrance transition areas must be designed to facilitate education. Signs shall be posted at all entry transition areas notifying visitors that they are entering an animal area and that they are not to eat, drink, smoke, place their hands in their mouths, or use bottles or pacifiers while in the animal area. Signs warning that senior citizens, pregnant women, young children, and persons who are immunocompromised or mentally impaired are at an increased risk of disease, illness, or injury and should take extra precautions to protect themselves shall also be posted in the entrance transition area;
 - (18) Strollers, food, and beverages are allowed to be possessed, prepared, served, or consumed only in non-animal areas. The animal exhibition permit applicant must provide storage or holding areas for these items for visitors;
 - (19) Exit transition areas must be designed to facilitate hand washing. Signs shall be posted instructing visitors to wash their hands and illustrating proper hand-washing techniques. An appropriate number of hand washing stations shall be present in the exit transitional area. Hand washing stations must be accessible for all visitors, including children and persons with disabilities. Hand washing stations shall comply with all local, state, and federal waste water restrictions and requirements. A staff member must be positioned in the exit transition area at all times to encourage hand washing;
 - (20) Animal areas must provide adequate ventilation for both animals and people. Visitors may not be allowed to access animal food or water sources. Toys, pacifiers, baby bottles, strollers, food, beverages, or tobacco products may not be present in the animal area at any time. All manure and soiled bedding shall be removed immediately and all animal waste and specific tools for its removal must be stored in designated areas restricted from public access.

Animals exhibiting any sign of illness or disease, such as diarrhea, vomiting, nasal discharge, or malaise, shall immediately be removed from the animal area. No pregnant animal may be exhibited at any time. Every animal that is required by state law to have rabies vaccinations must have the appropriate documentation stating that this requirement has been met. Every animal being exhibited must have a health certificate that was issued by a licensed veterinarian within the twelve (12) months preceding the last date of the animal exhibition; and

- (21) Any wild animal, as defined in this chapter, may not be exhibited in any animal exhibition or otherwise possessed within the City of Plano, unless the possession is specifically allowed by and complies with another section of this chapter.
- (b) A person commits an offense if he owns, operates, manages, or represents an animal exhibition that requires a permit and denies or refuses to make available for inspection, upon request by the Department during business hours of the animal exhibition, the animals, that portion of the premises used to house or service the animals, the facilities for the animal exhibition, equipment for the animal exhibition, including any equipment used to transport the animals, or any necessary registrations, records, feeding logs, or permits.
- (c) A person commits an offense if he owns, operates, manages, represents, or hires an animal exhibition without a valid permit. Each animal or condition found in violation of this chapter during an animal exhibition that does not possess a valid permit shall constitute a separate offense.
- (d) A person commits an offense if he owns, operates, manages, represents, or hires an animal exhibition under this section and fails to maintain any condition in 4-122(a). Each animal or condition in violation of this chapter shall constitute a separate offense.

Section 4-123. Permit required for pet grooming facilities.

- (a) Persons wishing to operate a Pet Grooming Facility within the City of Plano must apply for a pet grooming facility permit. A permit shall be issued if the requisite fee is paid, and the applicant complies with the following requirements:
 - (1) Cold and hot water and appropriate chemicals for disinfection/sanitizing of cages, grooming tables, and grooming utensils is easily accessible to all parts of the animal housing areas;

- (2) The ambient temperature in the animal housing areas is maintained between 60-79°F at all times. The temperature and ventilation is maintained in all individual animal housing areas at levels that are healthful for the species and type of animals being housed;
 - (3) All cages and enclosures are constructed of a nonporous material for easy cleaning and disinfecting. Each cage and enclosure is of sufficient size that at minimum the animal will have room to stand, turn, and lie down in a natural position. Each cage and enclosure is thoroughly cleaned and disinfected after each use;
 - (4) When necessary, there is sufficient clean, dry bedding to meet needs of each individual animal;
 - (5) All animals held overnight must be fed and watered, and all cages housing animals cleaned every day including Sundays and holidays;
 - (6) Written procedures are in place to notify the Department of any local rabies control incident as required by Section 4-93 of this chapter.
- (b) A person commits an offense if he owns, operates, manages, or represents a Pet Grooming Facility that requires a permit and refuses, upon request by the Department during business hours, to make his animals, that portion of the premises used to house or service the animals, facilities, equipment, and any necessary registrations, veterinary records, feeding logs or permits available for inspection for the purpose of ascertaining compliance with the provisions of this chapter.
- (c) A person commits an offense if he owns, operates, manages, or represents a Pet Grooming Facility and fails to comply with any requirement set forth in section 4-123(a). Each animal or condition in violation of this chapter shall constitute a separate offense.
- (d) A person commits an offense if he owns, operates, manages or represents a Pet Grooming Facility without a valid permit.

Section 4-124 Permit required for zoological educational outreach display

- (a) The presenter or owner of a zoological educational outreach display must apply for an annual permit from the Department. The presenter or owner of the zoological educational outreach display or the property owner where the display is to take place must provide written notice to the Department at least fourteen (14) days prior to the display. The written notice must include the exact dates, times, locations, transportation and housing arrangements, and animals involved in each performance or display. The display may not last longer than seven (7) days and must comply with the following conditions:
 - (1) All cages or other animal housing areas are kept clean and free of wastes;
 - (2) Fresh, potable water is available to all animals. Containers for food and water are cleaned and disinfected each day. All water containers shall be removable for cleaning and mounted, placed, or weighted so the animal cannot turn them over;
 - (3) If indoors, the ambient temperature in the animal housing areas is maintained between 60-79°F at all times. The temperature and ventilation is maintained in all individual animal housing areas at levels that are healthful for the species and type of animals being housed. If outdoors, the display must immediately be halted if at any time the heat index exceeds 95°F;
 - (4) All cages and enclosures are constructed of a nonporous material for easy cleaning and disinfecting. Each cage and enclosure is of sufficient size that at minimum the animal will have room to stand, turn, and lie down in a natural position. Each cage and enclosure is thoroughly cleaned and disinfected each day. Each cage and enclosure is of sufficient strength to contain the animal being housed within it. Each cage and enclosure is locked or otherwise secured to prevent the escape of any animal being kept;
 - (5) Daily feeding records are maintained to ensure that all animals are fed a proper and nutritious diet specific to the species' needs. The daily feeding records shall be maintained or posted in a readily accessible location. All veterinarians' orders must be in writing and kept on record and available for inspection during the animal display's regular business hours. In general, all animals under six (6) months of age are to be fed at least two (2) times per twenty-four (24) hour period, or as advised by a veterinarian, and all other animals must be fed at least one (1) time per twenty-four (24) hour period, or as advised by a veterinarian. Food for each animal shall

be served in a clean dish so constructed or mounted that the animal cannot readily tip it over and be of the type that are removable for cleaning. Disposable feeding dishes are acceptable for one-time use only. Animals that do not require daily feedings are exempt from the daily feeding requirement; however, feeding records shall be maintained and the animal shall be kept in a healthful body condition;

- (6) Animals exhibiting any sign or symptom of illness or disease, such as diarrhea, vomiting, nasal discharge, or malaise, shall immediately be removed from the animal display;
- (7) All animals being displayed must have a health certificate that was issued by a licensed veterinarian within the twelve (12) months preceding the first day of the animal display;
- (8) Each bird must have sufficient room to stand upright without touching the top of their housing area and to spread their wings fully without touching a side of their housing area. Each bird shall have access to a perch that is placed horizontal to other perches in the same cage and is of adequate size for the species being housed. The housing area must be sufficiently ventilated. The housing area must be cleaned every day and disinfected when birds are sold or otherwise transferred. Large birds shall have separate cages from smaller birds. There shall be clean water and suitable food available to the birds at all times and all troughs or other receptacles must be easily accessible to the birds and placed so that the birds cannot turn them over or defile their contents. Injured, diseased, or dead birds shall be immediately removed from housing areas holding healthy birds;
- (9) There is sufficient clean, dry bedding to meet needs of each individual animal;
- (10) All animals are fed and watered, and all cages are cleaned and disinfected every day during the animal display, including Sundays and holidays;
- (11) All animals required by the Texas State Rabies Control Act to have a rabies vaccination must have proof of being currently vaccinated against rabies;

- (12) All areas used by the presenter are thoroughly cleaned and all wastes are properly disposed of at the conclusion of the display. All manure and soiled bedding shall be removed immediately and all animal waste and specific tools for its removal must be stored in designated areas restricted from public access;
- (13) Written procedures are in place to notify the Department of any local rabies control incident as required by Section 4-93 of this chapter;
- (14) The zoological educational outreach display shall be divided into two distinct areas that are separated by a space of no less than six (6) feet to prevent accidental contact between an animal and a spectator. The permit holder and presenter shall be responsible for controlling visitor traffic to prevent overcrowding in either of these areas;
- (15) The permit holder shall post signs and verbally notify visitors that that they are not allowed to touch, approach, or otherwise make direct contact with an animal being displayed unless specifically allowed by the permit holder or his representative;
- (16) All areas must provide adequate ventilation for both animals and people;
- (17) All displayed animals must be controlled with the restraint requirements of this ordinance and any wild or wild class I animals must be under direct physical control of the permit holder or his representative at all times unless the animal is confined by a transport or holding cage designed to prevent its escape. If the direct physical control is by means of a tether, it must be of proper strength to control the animal, attached via an appropriately sized and fitted collar or harness, and of a length of not more than three (3) feet. Birds may give free-flight demonstrations provided that the display is indoors and the birds are under the direct physical control of the permit holder or his representative when not in flight;
- (18) Contact with domestic and properly restrained wild animals may occur provided that the permit holder complies with all of the following:
 - a. Allows human contact with wild animals only if the wild animal is under direct supervision of the permit holder or his representative to prevent injuries to the audience and the wild animal;

- b. Posts signs at all entry areas notifying visitors that they are entering an animal area and that they are not to eat, drink, smoke, place their hands in their mouths, or use bottles or pacifiers while in the animal area and warning visitors that senior citizens, pregnant women, young children, and persons who are immunocompromised or mentally impaired are at an increased risk of disease, illness, or injury and should take extra precautions to protect themselves;
 - c. Prohibits strollers, food, and beverages from being possessed, prepared, served, or consumed in the display area and provides storage or holding areas for these items for visitors; and
 - d. Provides hand washing stations and/or hand sanitizer for all audience members that come into direct contact with an animal. These facilities must be accessible for all visitors, including children and persons with disabilities. Hand washing stations shall comply with all local, state, and federal waste water restrictions and requirements.
- (19) Any wild animal class I, as defined in this chapter, may not be displayed or otherwise possessed within the City, unless the possession is specifically allowed by and complies with another section of this chapter. For the purposes of this chapter, the Animal Services Director shall make the determination of whether any animal in question is a class I wild animal pursuant to the definitions in section 4-1 of this chapter.
- a. The Animal Services Director may allow a wild animal class I to be displayed provided that permission to do so is requested in writing by the permit holder at least fourteen (14) days prior to the start of the event and:
 - 1. The wild animal class I to be displayed is of a species that is typically less than one hundred fifty (150) pounds when fully grown, regardless of the animal's size at the time of the display;
 - 2. The wild animal class I was born and raised in captivity;
 - 3. The wild animal class I is not a venomous reptile unless the reptile is going to be continually contained within a locked, escape-proof cage or enclosure with solid walls to prevent contact with a person;

4. The permit holder provides a written plan of containment, restraint, and course of action should the wild animal class I escape;
 5. A physical barrier is in place between the wild animal class I and the audience and no direct contact with the animal is allowed by anyone other than the permit holder or his representative;
 6. The permit holder possesses all of the necessary state and/or federal permits to possess and display all animals in the display;
 7. The Animal Services Director is able to be at the display the entire time the wild animal class I is on-site; and
 8. The permit holder agrees to comply with the Animal Services Director's order to immediately stop the display and/or remove the wild animal class I if there is any reason to believe such action is necessary.
- (20) The permit holder must make available the state and federal permits granting him the authority to possess and display domestic or wild animals, as defined in this Chapter, for educational purposes;
- (21) The permit holder must provide proof of accreditation from the American Zoological Association or Zoological Association of America; and
- (22) The Animal Services Director shall waive the permit fee if the permit holder is recognized by the Internal Revenue Service as a non-profit organization.
- (b) A person commits an offense if he owns, operates, manages, or represents a zoological educational outreach display that requires a permit and denies or refuses to make available for inspection, upon request by the Department during the hour before and entire duration of the zoological educational outreach display, his animals, that portion of the premises used to house or service the animals, the facilities for the animal display, equipment for the animal display, or any necessary registrations, records, feeding logs or permits.
- (c) A person commits an offense if he owns, operates, manages, represents, or hires a zoological educational outreach display without a valid permit.

- (d) A person commits an offense if he owns, operates, manages, represents, or hires a zoological educational outreach display and fails to maintain any condition in 4-124(a). Each animal or condition in violation of this chapter shall constitute a separate offense.

Section 4-125. Wildlife Educational Centers.

- (a) A Wildlife Educational Center, as defined herein, shall obtain a Wildlife Educational Center permit from the Animal Services Director and shall comply with any and all applicable local, federal and state regulations. The Animal Services Director shall require the owner or operator of the Center to present proof that the Center has all the required federal and state permits prior to issuing the permit.
- (b) Permitted Wildlife Educational Centers shall obtain written permission from the Animal Services Director to keep any non-indigenous wild animal or any class I wild animal and shall meet all housing requirements set forth by the Animal Services Director for the purposes of safely housing the animal.
- (c) The Animal Services Director shall waive the permit fee if the Center is a non-profit center.
- (d) A person commits an offense if he owns, operates manages, or represents a Wildlife Educational Center which has a permit issued by the City and he refuses, upon request by the Department, to make his animals, the portion of his premises used to house or service the animals, facilities, equipment, and any necessary registrations or permits available for inspection during the establishment's regular business hours or at any other reasonable hour.
- (e) A person commits an offense if he owns, operates manages, or represents a Wildlife Educational Center without a permit or if he owns, operates manages, or represents a Wildlife Education Center and fails to maintain any condition in 4-125. Each animal or condition in violation of this chapter shall constitute a separate offense.

Section 4-126. Wildlife Rehabilitators.

- (a) All Wildlife Rehabilitators, as defined herein, shall obtain a Wildlife Rehabilitator permit from the Animal Services Director and shall comply with any and all applicable federal state and local regulations regarding the handling and release of wildlife. The Animal Services Director shall require Wildlife Rehabilitator to present proof that he has any required federal and state permits for wildlife rehabilitation prior to issuing the permit.

- (b) A person commits an offense if he is a permitted Wildlife Rehabilitator and he refuses, upon request by the Department, to make his animals, the portion of his premises that is used to house or service animals, facilities, equipment, and any necessary registrations or permits available for inspection during business hours. If there are no regular business hours, then the inspection may occur during reasonable hours.
- (c) A person commits an offense if he operates as a Wildlife Rehabilitator and fails to register with the Department.
- (d) A person commits an offense if he operates as a Wildlife Rehabilitator and is in possession of:
 - (1) non-native wildlife;
 - (2) venomous reptiles;
 - (3) native wild cats, including but not limited to, ocelots, jaguarundis, margays, bobcats, and cougars;
 - (4) native wild canines including, but not limited to, wolves, coyotes, and foxes;
 - (5) native javelinas, feral hogs, or deer; or
 - (6) Any hybrid of any animal whose possession is prohibited by this chapter.
- (e) The prohibition in 4-126 (d) shall not apply to the otherwise legal possession of deer on property that is properly zoned for livestock.

Section 4-127. Display of Permits Required.

A person commits an offense if he holds a permit for an Animal Establishment, Commercial Breeder, Animal Exhibition, Pet Grooming Facility, Zoological Educational Outreach Display, or Wildlife Educational Center and fails to prominently display a copy of the current permit in a public area at all times. A person commits an offense if he holds a permit as a wildlife rehabilitator and fails to provide proof of such permit at the request of any City Enforcement Agent.

Section 4-128. Imminent Health Hazard

- (a) Ceasing operations and reporting.
 - (1) All permit holders shall immediately discontinue operations and notify the Department if an imminent health hazard may exist because of an emergency, such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent contagious illness outbreak, or other circumstance that may endanger public health or the health of the animals possessed in that location.
 - (2) A permit holder need not discontinue operations in an area that is unaffected by the imminent health hazard, provided that the unaffected area is able to be completely separated from the affected area and no animals or the public are allowed or kept in the affected area.
 - (3) If the permit holder fails to immediately cease operations, the Animal Services Director may issue a written order to the permit holder to cease operations. Any animals found to be in the affected area shall be immediately impounded by a City Enforcement Agent until such time as the animal(s) can be returned to their rightful owner(s) or until the permit holder gains permission to resume operations in accordance with this chapter.
- (b) If operations are discontinued as specified under 4-128(a), the permit holder shall obtain written approval from the Animal Services Director prior to resuming operations.
- (c) A person commits an offense if they fail to comply with the requirements of 4-128(a).
- (d) A person commits an offense if he resumes operations after they are discontinued without obtaining written approval as required in 4-128(b).

Section 4-129. Emergency suspension of permit and appeal.

- (a) A City Enforcement Agent may issue a notice of suspension of a permit issued under this chapter without prior warning, notice, or hearing if the permittee fails to meet the standards required in this chapter, refuses to make the premises or animals in his possession available for an inspection, fails to comply with any condition of his permit, or violates this chapter in any other way, if the notice:
 - (1) States the reason(s) for the suspension;

- (2) States the evidence that the permit holder shall provide in order to demonstrate that the reason(s) for suspension have been eliminated;
 - (3) States that the permit holder may request an appeal hearing by submitting a timely request to Animal Services Director; and
 - (4) Provides the name and the address of the Animal Services Director to whom a request for appeal hearing may be made.
- (b) An appeal of a suspension must be made in writing within fifteen (15) days of the issuance of the notice of suspension of a permit. If no appeal request is received within the fifteen (15) day period, the suspension of the permit becomes final.
- (c) Upon receiving an appeal, the Animal Services Director shall hold a hearing at a time and place of his designation within fifteen (15) days of the notice of appeal being received. Based upon the recorded evidence of the hearing, the Animal Services Director shall make a final ruling.
- (d) The decision of the Animal Services Director shall be final.
- (e) The permit holder may apply for a permit reinstatement under this section any time after the reason(s) for the suspension have been eliminated. The permit holder shall obtain written approval from the Animal Services Director prior to resuming operations.
- (f) A person commits an offense if he resumes operations after his permit is suspended without obtaining written approval as required in 4-129(e).
- (g) The issuance of a suspension shall be a remedy in addition to, and not in lieu of, any penalty authorized by this chapter, and shall not limit any other rights of the Department to pursue other enforcement actions or remedies to address any violation of the provisions of this chapter.

Section 4-130. Permit revocation, denial, and appeal.

- (a) An Animal Services Officer may issue a notice of revocation of any permit or deny an application for a permit under this chapter without prior warning, notice, or hearing if the permittee or applicant fails to meet the standards required in this chapter, refuses to make the premises or animals in his possession available for an inspection, seriously or repeatedly violates this chapter in ways that threaten the health or well-being of the permit holder's or applicant's customers, employees, neighbors, or animals in their care, fails to comply with any condition of his permit, or otherwise violates this chapter in any other way, if the notice:
 - (1) States the reason(s) for the revocation or denial;
 - (2) States that the permit holder may request an appeal hearing by submitting a timely request to Animal Services Director; and
 - (3) Provides the name and the address of the Animal Services Director to whom a request for appeal hearing may be made.
- (b) An appeal of a revocation or denial must be made in writing within fifteen (15) days of the issuance of the notice of revocation or denial of a permit. If no appeal request is received within the fifteen (15) day period, the revocation or denial of the permit becomes final.
- (c) Upon receiving an appeal, the Animal Services Director shall hold a hearing at a time and place of his designation within fifteen (15) days of the notice of appeal being received. Based upon the recorded evidence of the hearing, the Animal Services Director shall make a final ruling.
- (d) The decision of the Animal Services Director shall be final.
- (e) The permittee or applicant may reapply for a new permit under this chapter at any time.
- (f) The issuance of a suspension shall be a remedy in addition to, and not in lieu of, any penalty authorized by this chapter, and shall not limit any other rights of the Department to pursue other enforcement actions or remedies to address any violation of the provisions of this chapter.

Section 4-131. Private Animal Sales.

- (a) No owner or person shall advertise, display, transfer ownership or offer to transfer ownership of any dog, cat, or ferret over four (4) months of age that is not sterilized, implanted with a microchip, and currently vaccinated against rabies.
- (b) The sterilization requirement in subsection (a) shall not apply if the owner can provide proof that the animal meets one or more of the following conditions:
 - (1) The animal was registered with a national registry or was a sporting dog, livestock dog, working dog, performance dog or the owner was a member of a national breed club, local breed club, sporting or hunting club, or performance club; or
 - (2) The animal was a professionally trained assistance or police service animal.
- (c) A releasing agency, with written permission from the Department, may transfer ownership of animals provided that the following conditions are met:
 - (1) All other provisions of this chapter are complied with;
 - (2) All displayed animals are sterilized;
 - (3) All displayed animals over three (3) months of age have been vaccinated against rabies in accordance with this chapter;
 - (4) All displayed animals have been implanted with a microchip; and
 - (5) The agency keeps a record for each animal adopted, including the contact information of each new owner and the microchip information and proof of vaccination and sterilization for each animal adopted.

- (d) A person commits an offense if he advertises, displays, transfers ownership, or offers to transfer ownership of more than twelve (12) animals or more than two (2) litters, clutches, or other groups of offspring (whichever is greater) of any breeding animal during any twelve (12) consecutive month period to another person for the purpose of breeding, show, personal pet, or resale to a third person, without first obtaining a Commercial Breeder permit, unless the owner or person is a governmental agency acting in an official capacity or a releasing agency acting in accordance with all other provisions of this chapter.
- (e) A person commits an offense if he advertises, displays, transfers ownership, or offers to transfer ownership of any live animal on any public property without written permission from the Department.
- (f) A person commits an offense if he advertises, displays, transfers ownership, or offers to transfer ownership of any live animal on any private property that is not owned or leased by the person displaying the animal.

ARTICLE IX. DANGEROUS ANIMALS

Section 4-151. Complaints.

- (a) Upon receipt of a sworn, written complaint by any person over the age of eighteen (18) years charging that a particular domestic animal is a dangerous animal as defined in this chapter, the City Enforcement Agent shall investigate the complaint, and if there is sufficient evidence of dangerousness, a hearing before the Animal Services Director or his designee shall be held to determine whether the animal is dangerous, unless the matter is resolved by agreement of the Animal Services Director and owner of the animal that is the subject of the complaint prior to the hearing. To be considered valid, a sworn, written complaint shall contain at least the following information:
 - (1) Name, address and telephone number of complainant(s) and other witnesses;
 - (2) A description of the animal and the address where it resides, and, if known, the name and telephone number of the owner of the animal;

- (3) A statement describing the facts upon which the complaint is based including: a description of the incident or incidents which cause the complainant to believe the animal is a dangerous animal; the date, time and location of the incident; a description of the injuries sustained and whether medical assistance was sought and the outcome of that treatment; and
- (4) Any other facts that the complainant believes to be important.

Section 4-152. Impoundment pending hearing.

- (a) Prior to the hearing before the Animal Services Director, the animal shall be impounded and boarded at the owner's expense at the Animal Services Facility, or any other state approved quarantine facility, pending the outcome of the hearing. If the animal that is the subject of the hearing was already impounded for being an animal at large, was seized pursuant to this chapter, or was abandoned at the Animal Services Facility, the animal shall remain impounded until the conclusion of the hearing.
- (b) A person commits an offense if he interferes with the lawful seizure or impoundment of an animal by a City Enforcement Agent.
- (c) A person commits an offense if he harbors, hides, transports, or secures the transport for any animal for the purpose of preventing its impoundment.
- (d) A person commits an offense if the person operates or manages a quarantine facility other than the Animal Services Facility, and he fails to properly confine the animal to prevent its escape, releases it to any person, or fails to account for the animal's whereabouts.
 - (1) Section 4-152(d) shall not apply if the person operating or managing the quarantine facility first obtains written permission from the Animal Services Director to release the animal.

Section 4-153. Hearing.

- (a) The hearing before the Animal Services Director to determine if an animal is a Dangerous Animal shall be conducted within twenty (20) business days after receipt of the sworn complaint, impoundment, or seizure of the animal, whichever occurs later.

- (b) Notice of the hearing before the Animal Services Director shall be provided by the Animal Services Director or his designee to the owner of the animal and all complainants who provided a sworn complaint by certified mail, return receipt requested or by personal service. At the hearing before the Animal Services Director, any interested party, including the city attorney or his or her designee, shall be given opportunity to present evidence on the issue of whether the animal is dangerous.
- (c) Upon conclusion of a hearing to determine if an animal is a Dangerous Animal, the Animal Services Director may find that the animal is not dangerous and order that it be promptly returned to its owner's custody after all impound and board fees have been paid. The Animal Services Director shall have the authority to refund, reduce, or waive any fees incurred to the owner.
- (d) If the Animal Services Director makes a finding that the animal meets the definition of a Dangerous Animal as described in Section 4-1 of this chapter and that the destruction, removal, or registration of the animal is necessary to preserve the public health, safety, or welfare, then the Animal Services Director shall order one of the following:
 - (1) Euthanasia of the dangerous animal:
 - a. shall be ordered if the Animal Services Director makes a finding that the animal caused the death of a person;
 - b. may be ordered if the Animal Services Director makes a finding that the animal caused serious bodily injury or bodily injury to a person;
 - c. may be ordered if the Animal Services Director makes a finding that the animal was outside its enclosure or yard and caused serious bodily injury or death to another animal;
 - d. may be ordered if the Animal Services Director makes a finding that the animal was outside its enclosure or yard and caused bodily injury to another animal and has made at least one (1) unprovoked attack against an animal or person on a previous occasion;
 - e. may be ordered if the owner of the animal requests euthanasia of the animal.

- (2) Removal of the dangerous animal from within the City limits.
- a. Prior to the release of the animal from quarantine the owner shall make the animal available to the Animal Services Facility for scanning of the microchip implanted in the animal and provide to the Animal Services Director, in writing, all of the following:
 1. the destination address of where the animal is to reside and the name of the person who will have care, custody, or control of the animal at the destination address;
 2. proof that the owner has alerted the agency responsible for animal services in that area; and
 3. proof that a microchip has been implanted into the animal.
 - b. A person commits an offense if he removes the animal from the City under this section and fails to:
 1. Implant a microchip in the animal; or
 2. Provide proof of the implanting of the microchip; or
 3. Make the animal available for scanning.
 - c. A person commits an offense if he removes the animal from a state approved quarantine facility prior to complying with the notice requirements in subsection 4-153(d) (2).
 - d. A person commits an offense if he allows an animal that has been determined to be a Dangerous Animal and ordered to be removed from the City limits to return to the City limits.

- (3) Return to the owner as a registered Dangerous Animal after the owner demonstrates compliance with this chapter and the following requirements. The owner shall maintain compliance with all of the following requirements for the remainder of the Dangerous Animal's life while the Dangerous Animal is located or resides in the City:
- a. Obtain and maintain liability insurance coverage or showing financial responsibility in an amount of at least two hundred and fifty thousand dollars (\$250,000) to cover damages resulting from an attack by the Dangerous Animal causing bodily injury, serious bodily injury or death to a person or another animal. A certificate of insurance or other evidence of meeting the above requirements shall be kept on file at the Animal Services Facility;
 - b. Registering the Dangerous Animal with the City of Plano by providing the name and address of the owner; the breed, age, sex, color and any other identifying marks of the animal; the address where the animal is to be kept; and at least two (2) color photographs that clearly identify the Dangerous Animal;
 - c. Provide proof of animal sterilization;
 - d. Construct and maintain a secure enclosure for the animal;
 - e. Post and maintain signs giving notice of a Dangerous Animal in the area or on the premises in which the animal is confined. The signs shall be conspicuously posted at both the front and rear property entrances and shall bear letters not less than two (2) inches high, stating "DANGEROUS ANIMAL ON PREMISES";
 - f. Provide and maintain on the animal a fluorescent yellow collar visible at fifty (50) feet in normal daylight with an attached tag provided by the Department to the collar that is worn at all times so that the animal can be easily identified;
 - g. Implant and maintain a microchip into the animal and register it for life with the Department and a recognized national registry;
 - h. Provide written notice of the animal's designation as dangerous to the owner or landlord of the property where the animal will be kept; and

- i. Pay the appropriate Dangerous Animal annual permit fee.
- (e) The owner shall have thirty (30) days from the determination by the Animal Services Director that the animal is dangerous to comply with all of the required conditions as set forth by this chapter and the order of the Animal Services Director, unless the determination is appealed pursuant to Section 822.0421, Texas Health and Safety Code, as amended. If the owner fails to provide proof of compliance with all of the requirements in the order, and the order is not appealed pursuant to Section 22.0421, as amended, Texas Health and Safety Code, as amended, the animal may be euthanized on the thirty-first (31st) day following the order of the Animal Services Director.
- (f) A person commits an offense if he allows an animal that has been determined to be a Dangerous Animal to be kept or remain in any duplex or in any multi-family, residentially zoned property.
- (g) A person commits an offense if he allows an animal that has been determined to be a Dangerous Animal to be kept or remain on a porch, patio, or in any part of a house or structure that would allow the animal to exit of its own volition.
- (h) A person commits an offense if he allows an animal that has been determined to be a Dangerous Animal to be kept in a house or structure when any window is open or when any screen window or screen door is the only obstacle preventing the animal from exiting the structure.
- (i) A person commits an offense if he allows an animal that has been determined to be a Dangerous Animal to be outside of the owner's residence or its secure enclosure unless the animal is under continuous direct physical control by a person of competent mental and physical ability to restrain the animal under all circumstances.
- (j) A person commits an offense if he allows an animal that has been determined to be a Dangerous Animal tethered to an inanimate object, including, but not limited to a tree, post, or building, for any length of time.
- (k) A person commits an offense if he allows an animal that has been determined to be a Dangerous Animal to be outside its secure enclosure without being securely fitted with a muzzle that will prevent the animal from biting other animals or human beings without causing injury to the animal or interfering with its vision or respiration.

- (l) A person commits an offense if he is the owner of a permitted Dangerous Animal and refuses, upon request by the Department, to make his animal, premises, facilities, equipment, and any necessary permits available for inspection at any reasonable time.
- (m) A person commits an offense if he is the owner of a Dangerous Animal and he fails to maintain the requirements in 4-153(d) (3) for the remainder of the animal's life.
- (n) No domestic animal may be found to be a Dangerous Animal if the Animal Services Director finds sufficient evidence that:
 - (1) The threat, injury, or damage was sustained by a person who at the time was committing or attempting to commit a willful trespass or other tort upon the premises occupied by the owner of the animal;
 - (2) The person was teasing, tormenting, abusing, or assaulting the animal or has in the past been observed to have teased, tormented, abused, or assaulted the animal;
 - (3) The person attacked was committing or attempting to commit a crime;
 - (4) The animal attacked was at large at the time of the incident, unless the attacking animal was also at large at the time of the incident and:
 - a. The attacking animal has committed an unprovoked attack on another person or animal on at least one (1) previous occasion; or
 - b. The animal attacked died as a result of the injuries it sustained during the attack.
 - (5) The animal attacked or killed at the time of the incident was teasing, tormenting, abusing, or attacking the alleged Dangerous Animal or if the animal attacked was not a domestic animal;
 - (6) The animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault;
 - (7) The animal was injured and responding to pain;

- (8) The complaint filed against it is based solely on the animal's breed, size, or physical appearance; or
 - (9) The attack, bite, or mauling occurred while the dog was being used by a peace officer for law enforcement purposes.
- (o) If the Animal Services Director finds probable cause to believe that an animal was at-large and involved in an incident that led to the filing of a Dangerous Animal Complaint, and if the animal is not already identifiable by microchip, the owner shall pay a fee to have a microchip implanted into the animal regardless of whether it is deemed a Dangerous Animal or not.
- (p) A person commits an offense if the person fails or refuses to provide proof of complying with the Animal Services Director's order to implant and register a microchip as required in subsection (o).

Section 4-154. Dangerous Animal: escape, death or subsequent attack.

- (a) In the event that a registered Dangerous Animal escapes its enclosure or attacks a human being or another animal, the owner of the Dangerous Animal shall notify the Department. Additionally, the owner shall provide written documentation of the incident to the Animal Services Director within one (1) business day of becoming aware of the escape or attack. The written documentation may be delivered by hand, U.S. mail or email.
 - (1) A person commits an offense if he fails to provide notice as required in Section 4-154(a).
 - (2) A person commits an offense if he fails to provide written documentation as required in Section 4-154(a).
- (b) In the event that a registered Dangerous Animal dies, the owner must present the body of the animal to the Department or a licensed veterinarian for verification by microchip identification before disposal of its body. If the owner presents the animal to a licensed veterinarian, the owner shall provide written verification of the microchip reading to the Department within three (3) business days of the scanning.
 - (1) A person commits an offense if he fails to have the identity of the dead animal verified by microchip scanning as required in Section 4-154(b).
 - (2) A person commits an offense if he fails to provide verification of the scanning as required in Section 4-154(b).

Section 4-155. Transferring ownership of registered Dangerous Animal.

- (a) Prior to relocating, transferring ownership, offering to transfer ownership, or otherwise moving or offering to move in any way a registered Dangerous Animal, either inside or outside the City limits, the owner shall notify the Animal Services Director in writing of his intention. If ownership is to be transferred, the notification shall include the name and address of the proposed new owner of the animal.
- (b) If ownership of the animal is being transferred to a person who resides within the City limits of Plano, the new owner will be required to provide proof to the Animal Services Director of complying with all provisions of this chapter before the animal can be moved from the previous owner's custody.
- (c) If the animal is being moved outside the City limits, the owner must provide, in writing to the Animal Services Director, proof that the new owner has alerted the agency responsible for animal services in that area.
- (d) A person commits an offense if he fails to comply with the requirements of Section 4-155.

Section 4-156. Violations of conditions by owner of a registered Dangerous Animal.

- (a) In the event that any owner of a registered Dangerous Animal violates any provision of this chapter, court order, or lawful order of the Animal Services Director, the animal may be immediately seized and impounded by a City Enforcement Agent.
- (b) The registered Dangerous Animal shall be seized immediately if the animal bites, injures, or attacks a human being or another animal.
- (c) A Dangerous Animal hearing shall be held in accordance with Section 4-153.
- (d) If the seizure or impoundment of a Dangerous Animal for violating any provision of this chapter cannot be made with safety, and the Dangerous Animal is putting people or other animals at risk of being attacked, the animal may be destroyed without prior notice to the owner.
- (e) It is an exception to the seizure of the animal under this section if the person attacked or injured was at the time committing a willful trespass, crime, or other tort upon the premises occupied by the owner of the animal.

- (f) It is an exception to the seizure of the animal under this section if the animal which was injured was inside the fence line or secure enclosure area maintained by the owner of the registered Dangerous Animal.

Section 4-157. Appeal.

- (a) Orders of the Animal Services Director pertaining to a Dangerous Animal may be appealed to the Plano Municipal Court. Appeals to the court shall be made by the owner filing a written notice of appeal with the court not later than the fifteenth (15th) day after the date the Animal Services Director's Determination or Order was entered. During the pendency of the appeal, the order of the Animal Services Director shall be suspended, and the animal shall remain impounded at the owner's expense at the Animal Services Facility or other state approved quarantine facility for observation. The decision of the municipal court may be appealed to a court of competent jurisdiction.
- (b) The appeal before the municipal court shall be a trial de novo. The standard procedures for trial settings in the municipal court shall be used for these appeals.
- (c) The owner filing the appeal shall file an appeal bond with the municipal court in the amount determined by the court to adequately cover the estimated costs of housing and caring for the impounded animal during the appeal process, and the owner shall comply with all other requirements and restrictions imposed by the court as conditions of the appeal bond pursuant to Section § 822.047 of the Texas Health and Safety Code, as amended. The bond shall be used to cover the cost of daily care of the animal. Should the judge or jury determine the animal is not dangerous the appeal bond may be returned if the amount has not been assessed as costs of daily care.
- (d) The owner shall be responsible for any costs beyond feeding, including but not limited to: veterinary care, immunizations, medications, and care for other animals or employees injured by the animal.
- (e) The judge or jury may render a verdict in the appeal which conforms to the findings in section 4-153 of this ordinance.
- (f) The defenses to conduct found in section 4-153(n) shall be affirmative defenses in the trial de novo.
- (g) The owner shall pay all assessed costs before the animal is released to the owner.

- (h) The owner may appeal the decision of the municipal court in the manner described by Section 822.0424 of the Texas Health and Safety Code, as amended.

Section 4-158. Animals deemed dangerous by other jurisdictions.

- (a) The owner of an animal that has been determined to be dangerous by another jurisdiction, under guidelines similar to those in this chapter, is prohibited from bringing the animal into the City. Any animal that is brought into the City in violation of this section shall immediately be turned over to a City Enforcement Agent. On the sixteenth (16th) day, the impounded animal may be considered abandoned and disposed of as authorized in this chapter. The owner may elect to immediately remove the animal from the City and shall comply with the notice requirements of this chapter.
 - (1) A person commits an offense if he is the owner of an animal that has been determined to be dangerous by another jurisdiction and brings such animal into the City limits.

Section 4-159. Listing of registered Dangerous Animals.

The Animal Services Director shall publish a list available to any citizen that states the identifying information of all animals deemed dangerous. The Dangerous Animal's address, description, and pictures shall be included as well as any other information deemed pertinent. The list shall be available at the Animal Services Facility and on the City's webpage.

ARTICLE X. WILD ANIMALS, BEES, AND LIVESTOCK

Section 4-181. Keeping wild animals.

- (a) A person commits an offense if he possesses any wild animal within the City of Plano, with the following exceptions:
 - (1) A governmental agency or entity performing a governmental function;
 - (2) A zoological park;
 - (3) A permitted Wildlife Educational Center that is also in possession of all necessary state and federal permits to possess the animal and is in compliance with all restrictions of the state and/or federal permits;

- (4) A registered Wildlife Rehabilitator in possession of an allowed indigenous wild animal who holds all necessary state and federal permits to possess the animal and is in compliance with all restrictions of this ordinance and their state and/or federal permits; or
 - (5) A permitted Zoological Educational Outreach Display that is also in possession of all necessary state and federal permits to possess the animal and is in compliance with all restrictions of this ordinance and their state and/or federal permits.
- (b) For the purposes of this chapter, the Animal Services Director shall make the determination of whether any animal in question is a domestic animal or a wild animal and whether any wild animal is indigenous or allowed pursuant to the definitions in section 4-1 of this chapter.
 - (c) A person commits an offense if he is aware of a wild animal being possessed in the City of Plano and fails to notify the Department.

Section 4-182. Sale of wild animals.

- (a) A person commits an offense if he transfers ownership or offers to transfer ownership of any wild animal, unless allowed by another provision of this chapter.
- (b) This section shall not be interpreted to restrict a person from giving ill, injured, or orphaned wildlife to a registered Wildlife Rehabilitator or to a permitted Wildlife Educational Center. This section shall not be interpreted to restrict a permitted Wildlife Educational Center from transferring wild animals to another educational center, zoological park, or other facility capable of legally caring for the animal.

Section 4-183. Bee-keeping.

- (a) A person commits an offense if he keeps or allows bees, their hives, or any abandoned hives within the City limits. Honey bees may be kept if all of the following conditions are met:
 - (1) All hives shall be surrounded by barriers placed at least ten (10) feet from the hive and not less than eight (8) feet in height that change the flight path of the bees as they leave the hives;
 - (2) There shall be no more than three (3) hives per City lot;
 - (3) There is an adequate source of water within twenty (20) feet of all hives;

- (4) There may be maintained one nucleus for each two (2) colonies. The nucleus shall not exceed one ten-frame hive body. Each nucleus shall be disposed of within sixty (60) days after it is acquired;
 - (5) Each hive must be re-queened at least once every twenty-four (24) months; and
 - (6) The owner notifies the City Enforcement Agent, in writing, of the location and number of hives in his possession. Additionally, the owner shall keep purchase receipts and written records of the exact dates he re-queens each hive for at least two (2) years.
- (b) A person commits an offense if he owns, harbors, or possesses bees and refuses, upon request by the Department, to make his bees, premises, facilities, or equipment available for inspection during reasonable hours.

Section 4-184. Keeping livestock; nuisance conditions.

- (a) A person commits an offense if he keeps livestock within the corporate limits of the City, except in conformance with the zoning ordinances of the City and as specifically provided by this chapter.
- (b) A person commits an offense if he keeps livestock in pens or enclosed areas in such a manner as to create odors or noise which are offensive to other persons living nearby.
- (c) A person commits an offense if he fails to dispose of manure and other excrement in such a manner as to prevent the odor from becoming offensive or causing unhealthy conditions to persons.
- (d) A person commits an offense if he engages in or practices any falconry activities on any public land without obtaining prior written permission from the Animal Services Director. Permission may only be granted for the purposes of controlling and removing avian species deemed a nuisance.
- (e) Any hog or swine being legally kept within the City limits prior to February 1, 2009, shall be allowed to remain within the City so long as the owner complies with all other requirements of this chapter.

- (f) Veterinary hospitals, Wildlife Educational Centers, school agricultural barns, and fair grounds, when hogs or swine are kept therein for exhibition or veterinary treatment purposes, are exempt from this section provided that all pens, barns, stables, or other housing facilities meet the requirements of the City building code and zoning ordinance, and are maintained in such a way as to prevent them from creating a nuisance for any surrounding businesses or residences.

Section 4-185. Keeping of backyard hens.

- (a) An individual property with one legal dwelling unit, not including dwelling units that are backyard cottages or accessory dwelling units, may keep backyard hens subject to the following requirements and all other applicable provisions of this Chapter. The keeping of roosters or any other fowl is prohibited; only chicken hens shall be permitted; and all references herein this section to poultry or chickens shall mean chicken hens only.
- (b) Legal farm, ranch, garden, or orchard uses, as defined by the Zoning Ordinance, are exempt from regulation under this Section.
- (c) A person desiring to keep poultry pursuant to this section must first apply for a backyard hen permit from the Department. In addition to paying a non-refundable application fee in an amount established from time to time by resolution of the city council at the time of filing, the applicant shall also:
 - (1) submit a complete permit application on a form provided by the Department;
 - (2) provide floorplans and side elevations for the proposed animal housing enclosure or if a commercially available coop is acquired, the manufacturer, model, and size of the coop;
 - (3) provide a site drawing showing the proposed location for the animal housing enclosure that includes all property lines, building lines, setbacks, and other structures located on the property;
 - (4) provide written, notarized authorization from the property owner allowing backyard hens if the applicant is a person other than the owner of the property on which the backyard hen(s) will be kept; and
 - (5) provide one-time proof of completion of an educational course approved by the Department on backyard hen care and sanitation.

- (d) Prior to the issuance of a backyard hen permit, a site inspection may be conducted to verify compliance with the requirements of this section. Applicants who provide proof of having a current backyard hen permit, who have not obtained additional animals since their last inspection, and have had no verified complaints and/or enforcement actions for violating this chapter during the preceding twelve (12) months, may be issued a permit without inspection. The Department may require an inspection during reasonable hours at the Department's discretion regardless of the applicant's history.
- (e) All backyard hen permits issued under this section shall be valid for one (1) year from the date of issuance. No more than one (1) backyard hen permit may be issued for any individual property, tract or residential lot. The permit is nontransferable and shall be valid only for the applicant and location for which it was originally issued. In the event the permit holder no longer resides at the property for which the permit was issued or ceases to harbor or keep backyard hens on the property, the permit terminates without refund.
- (f) A person commits an offense if he fails to comply with any of the following restrictions:
 - (1) Backyard hens(s) shall be kept within a secure animal housing enclosure that is constructed and maintained in compliance with all requirements of this chapter, all requirements for accessory buildings, whether or not such permit is required, and be located behind a fence that is at least six (6) feet in height. Backyard hens shall be kept at all times within the secure animal housing enclosure except:
 - a. when being removed to be transported to, or returned from, a location off of the property;
 - b. during daylight hours when they are under the direct supervision of an adult, backyard hens may roam in a yard provided that it is enclosed by a perimeter fence not less than six feet in height; or
 - c. when being temporarily confined in a garage or indoor space during periods of extreme cold or brooding.
 - (2) Coops shall have a minimum of ten inches (10") of roosting space for each backyard hen kept;

- (3) There shall be at least one (1) nesting box for every four (4) hens kept;
 - (4) Hay, grain, feed, and all other food sources must be stored in secure containers that are not accessible to rats, flies, mosquitos, or other rodents and insects;
 - (5) Manure and soiled bedding material must be immediately disposed of, properly composted, or stored in secure containers that are not accessible to rats, flies, mosquitos, or other rodents and insects;
 - (6) Food scraps, kitchen scraps, or other perishable food items cannot be fed on the ground or in any container other than an impervious container or on an impervious platform;
 - (7) Any backyard hen byproducts, including but not limited to eggs, meat, or manure, may not be sold or offered to be sold under the direction of, or with the consent of, a backyard hen permit holder except for the sale of backyard hen byproducts in accordance with all applicable federal, state, and local regulations; and
 - (8) All backyard hens must have their wings properly clipped and maintained so as to prevent them from flying over the fence.
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- (g) A person commits an offense if the person is a holder of a backyard hen permit and he refuses, upon request by a City Enforcement Agent during reasonable hours, to make his animals, premises, facilities, equipment, and any necessary registrations or permits, available for inspection.
 - (h) A person commits an offense if the person is a holder of a backyard hen permit and he refuses to show his permit upon request by a City Enforcement Agent.
 - (i) A person commits an offense if he harbors backyard hens without first obtaining a valid backyard hen permit.
 - (j) This section shall not supersede, replace or have control over any recorded deed restrictions, covenants, home owner association rules, or other applicable restrictions that prohibit the keeping of fowl or backyard hens on such property.

Section 4-186. Revocation, denial and appeal.

- (a) A City Enforcement Agent may revoke a backyard hen permit issued under section 4-185 or refuse to issue a permit if the permittee or applicant fails to meet the standards required in section 4-185, refuses to permit inspections of the premises, or violates any provision of this chapter.
- (b) Revocations, denials, and appeals of this permit shall be handled in accordance with Section 4-130 of this Chapter.

Section 4-187. Estray.

- (a) A person commits an offense if he is the owner of livestock and allows an estray to be unattended upon any public street, alley, thoroughfare or upon the property of another in the corporate City limits of Plano.

ARTICLE XI. MISCELLANEOUS OFFENSES

Section 4-201. Retention of animals at large.

- (a) A person commits an offense if the person confines an at-large animal, other than one already owned by the person, on his property without notifying the Department of the confinement within twenty-four (24) hours.

Section 4-202. Interference; Filing of False Claims or Reports.

- (a) A person commits an offense if he prevents, interferes with, obstructs, or gives false information to any City Enforcement Agent who is in the lawful discharge of his duties under this chapter, state, local or federal laws.
- (b) A person commits an offense if he fails to comply with any lawful order of a City Enforcement Agent issued by the Agent during the enforcement of this chapter, state, local or federal laws.
- (c) A person commits an offense if he makes a claim of ownership for an animal that he knows is false.
- (d) A person commits an offense if he makes a report of a violation of City ordinance or state, local or federal law that he knows is false.

Section 4-203. Inducement prohibited.

- (a) A person commits an offense if the person transfers ownership, or offers to transfer ownership, of any live animal which is physically present at an event or business as a prize or as an inducement:
 - (1) to enter any contest, game, raffle, auction, or other competition; or
 - (2) to enter into a business agreement.
- (b) This section shall not be interpreted to restrict any livestock from being offered for sale at a public auction house or livestock show or barn, provided that the sale does not otherwise violate any other section of this chapter or any other state, local or federal law.
- (c) Subsection (a) shall not apply if the prize or inducement offered was a gift certificate or other document that could be exchanged for a live animal on a subsequent date and time.

Section 4-204. Parking of vehicles used to transport animals.

- (a) A person commits an offense if he parks a truck, trailer, or other vehicle that is used for the hauling of livestock, animals or fowl in a residential area of the City of Plano and the vehicle is creating odors, gases or fumes that are offensive to a person of reasonable sensibilities.

Section 4-205. Slaughtering of animals within public view.

- (a) A person commits an offense if he slaughters an animal in an area that is open to the view of the general public.

ARTICLE XII. SEARCH AND RESCUE TRAINING IN PUBLIC PLACES

Sec. 4-206. Permit Required.

- (a) After securing a permit from the Animal Services Department, search and rescue training may be conducted by qualified members of search and rescue organizations in designated areas of City parks between the hours of 5:00 a.m. and 11:00 p.m., unless different hours have been designated for the park facility.

- (b) Members of the search and rescue organization must possess at least a NASAR SARTECH III level of certification or a comparable level of certification before being eligible to conduct search and rescue training under this program.
- (c) A search and rescue organization seeking a Search and Rescue Training Permit shall submit a complete permit application to the Animal Services Department and provide the following information:
 - (1) Contact information for the search and rescue organization and the individuals authorized to conduct search and rescue training on behalf of the organization;
 - (2) Copy of the NASAR SARTECH III certification or its equivalent for each of the individuals conducting search and rescue training;
 - (3) Copy of the search and rescue organization's training materials;
 - (4) Copy of vaccination and registration records for each dog participating in search and rescue training; and
 - (5) Proof of general liability insurance coverage in the amount of \$100,000. The insurance carrier of this policy must be rated "A-" or better by A.M. Best's Key Rating Guide and licenses to do business in the State of Texas. In addition, the policy shall include the City of Plano, its officers, agents, employees, and representatives as additional insured parties and should contain a 30 day written notice of cancellation. A Certificate of Insurance for the required coverage must be submitted to the Animal Services Division at least two weeks prior to the event.
- (d) Prior to conducting any training, a permit holder must provide a written request to conduct search and rescue training to the Plano Animal Services Director and a designated Plano Parks Department staff member at least ten (10) business days prior to the start of training. Each written request must state the time and date of each training session, the number of trainers involved in each training session and the number of dogs to be trained. A request may be denied based on availability of the training site.
- (e) It shall be unlawful for any person to conduct search and rescue training under this section without a permit from the Animal Services Division.
- (f) It shall be unlawful for any person who has received a permit for search and rescue training to fail to comply with any permit requirement or provision of this Article. Each animal or condition found in violation of this chapter shall constitute a separate offense.

Sec. 4-207. Revocation, denial and appeal.

- (a) A City Enforcement Agent may revoke or refuse to issue a permit if requirements under Section 4-206 (a)–(d) are not met.
- (b) Denial or revocation of a permit may be appealed to the Animal Services Director. The appeal must be made in writing within fifteen (15) business days of receiving written notice of permit denial or revocation from the City Enforcement Agent. If no appeal request is received within a fifteen (15) business day period, denial or revocation of the permit becomes final. Upon receiving an appeal, the Animal Services Director will hold a hearing at a time and place of the Director's designation within fifteen (15) business days of the appeal being received. Based upon available evidence, the Animal Services Director will make a final ruling. The decision of the Animal Services Director shall be final.
- (c) A search and rescue organization whose training permit has been revoked may re-apply for another permit after six (6) months from the date of revocation."

Section III. All provisions of the Code of Ordinances of the City of Plano, codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncoded, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section V. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section VI. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Sections 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this the 27th day of September, 2021.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY