

ORDINANCE NO. OR-1787-10

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF MANSFIELD, REQUIRING A PERMIT OF LIVESTOCK OWNERS; PROVIDING FOR PERMITTING FEES; PROVIDING SERVICE FEES FOR ADOPTIONS, CITY LICENSES, ANIMAL IMPOUNDMENT, AND QUARANTINE; PROVIDING SERVICE FEES FOR MICROCHIPING; PROVIDING FOR REVOCATION OF A PERMIT; PROVIDING FOR DENIAL OF A PERMIT; REGULATING THE NUMBER OF ANIMALS ON SPECIFIC PROPERTIES; PROVIDING DEFINITIONS; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS TO TWO THOUSAND DOLLARS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE

WHEREAS, growth within the City of Mansfield has created new and greater challenges for the safe control and regulation of animals within the city and the City of Mansfield has conducted a review of recent changes in state law governing the regulation and keeping of animals within the city; and

WHEREAS, the City Council of the City of Mansfield, Texas is concerned with the safety of citizens as well as the safety of animals within the city; and

WHEREAS, the City Council of the City of Mansfield, Texas has determined that the cost associated with manpower demands in responding to animal related calls should be defrayed by the owners of the animals rather than by the citizens at large.

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

SECTION 1.

The Code of Ordinances Chapter 90, of the City of Mansfield, Texas, be, and the same is hereby, amended by adding the following definitions and sections.

Animal Control

- | | |
|---------------------|--|
| <u>90.01</u> | Definitions |
| <u>90.02</u> | Animal Control Officer; Rabies Control Authority |
| <u>90.03</u> | Number of Dogs and Cats at Residence |
| <u>90.04</u> | Animal Establishments |
| <u>90.05</u> | Adoption of Cats or Dogs |
| <u>90.06</u> | Livestock and Livestock Permits |
| <u>90.07</u> | Swine |

- 90.08 Keeping of Fowl
- 90.09 Animals At Large
- 90.10 Dangerous Wild Animals
- 90.11 Dangerous Animals
- 90.12 Nuisances
- 90.20 Appealing ACO Determinations, Orders, and Permit Denials and Revocations
- 90.21 Promotional Displays; Dyeing Prohibited
- 90.22 License, Vaccination and Microchip
- 90.23 Impoundment; Fees
- 90.23.1 Fee Schedule
- 90.24 Enforcement
- 90.25 Care and Humane Treatment of Animals

Rabies Control

- 90.35 Definitions
- 90.36 Report of Rabies
- 90.37 Quarantine Procedures For Animals
- 90.38 Disposition or Release of Quarantined Animal
- 90.39 Animal Exposed To Rabies
- 90.50 Animal Advisory Committee
- 90.99 Penalty

GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL CONTROL OFFICER Any person designated by the city to perform animal control duties and who otherwise enforces the provisions of state and local laws as they pertain to animals within the city.

ANIMAL CONTROL MANAGER A person designated by the Chief of Police to supervise the daily operations of the Animal Control Division

ANIMAL Includes dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet, but shall not include skunks, nonhuman primates and any other species of wild exotic or carnivorous animal that may be further restricted by law.

AT LARGE Not completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal, except when such animal is either on a leash or held in the hands of the owner. An animal within an automobile or other vehicle under the control of its owner shall not be deemed at large, unless such confinement fails to reasonably prevent access to the public.

ANIMAL ESTABLISHMENT Any pet shop, kennel, grooming shop, auction, performing animal exhibition, or other facility engaged in the handling of domestic animals, excluding veterinary clinics, hospitals, animal shelters and individuals caring for animals in their private residence in compliance with the terms of this chapter.

CARETAKER Any individual who has responsibility for feeding, watering, or otherwise providing for any animal whether they are the actual owner of the animal or not.

CAT Any live or dead cat (*felis catus*).

DANGEROUS ANIMAL:

(1) An animal, including a dog, that makes an unprovoked attack on a human, which causes bodily injury and occurs in a place other than an enclosure in which the animal was kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or

(2) An animal, including a dog, 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 reasonably to believe that the animal will attack and cause bodily injury to that person; or

(3) An animal, including a dog, that makes an unprovoked attack on a domestic animal or domestic fowl which occurs when the attacking dog is at large. For purposes of this subsection

only, the Animal Control Manager or Court may take under consideration any or all of the following circumstances to determine whether or not the attacking animal is dangerous:

- (a) The seriousness and/or extent of the injury to the attacked animal or fowl;
- (b) Territorial issues associated with the location of the attack; and
- (c) Restraints of the attacking dog which were in place at the time of, or immediately prior to, the attack.

DANGEROUS WILD ANIMAL Any lion, tiger, ocelot, cougar, leopard, cheetah, jaguar, poisonous reptiles, giant reptiles (Any non-indigenous reptile that commonly reaches six feet or more in total length), bobcat, lynx, serval, caracal, hyena, bear, coyote, wolf, jackal, baboon, chimpanzee, orangutan, gorilla, or any hybrid of any animal listed in this definition.

DOG Any live or dead dog (canis familiaris).

EUTHANIZE To cause the death of an animal by a method which:

- (1) Rapidly produces unconsciousness and death without visible evidence of pain or distress; or
- (2) Utilizes anesthesia produced by an agent which causes painless loss of consciousness, and death following such loss of consciousness.

FERAL Any organism that has escaped from domestication and returned, partly or wholly, to a wild state.

FOWL Any bird

HARBORING The act of keeping and caring for an animal or of providing a premise to which the animal returns for food shelter or care.

LIVESTOCK -LARGE Any animal, such as horses, mules, cattle, ponies and animals of the same approximate size and weight.

LIVESTOCK -SMALL Any animal, such as goats, sheep, lambs and animals of the same approximate size and weight.

LOCAL RABIES CONTROL AUTHORITY The officer designated by the municipal or county governing body under the Texas Health and Safety Code §826.017.

MICROCHIP IMPLANT Means a passive electronic device that is injected into an animal, under the skin, 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 owner. The microchip implant shall be supplied with an exterior collar

type tag for purposes of an external means of recognition that the animal has been implanted with a microchip.

NUISANCE An act that threatens the health, morals, safety, comfort, convenience, or welfare of a community

OWNER Any person, firm, or corporation who has the right of property in an animal or who harbors an animal or allows an animal to remain about his or her premises.

QUARANTINE To take into custody and place in confinement, isolated from human beings and other animals in such a way as to preclude the possibility of disease transmission. The quarantine period for a dog, cat, or a domestic ferret in rabies quarantine is ten (10) days from the date of the bite, scratch or other exposure, or as recommended by the regional veterinarian from the Texas Department of Health.

SWINE Any of various omnivorous, even-toed ungulates of the family Suidae, including pigs, hogs, and boars, having a stout body with thick skin, a short neck, and a movable snout.

VACCINATED Properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the state.

VACCINATED, CURRENTLY Vaccinated and satisfying the following criteria:

- (1) The animal must have been at least sixteen (16) weeks of age at the time of vaccination;
- (2) At least thirty (30) days must have elapsed since the initial vaccination;
- (3) The time elapsed since the most recent vaccination has not exceeded the recommended interval for booster vaccination as established by the manufacturer.
- (4) This definition applies only to bite cases in determining cause of action in dealing with the animal.

§ 90.02 ESTABLISHMENT OF OFFICE OF ANIMAL CONTROL MANAGER

(A) There shall be and is hereby created the office of Animal Control Manager for the City of Mansfield.

(B) The Animal Control Manager shall act as the Local Rabies Control Authority for the purposes of Chapter 826 of the Health and Safety Code of the State of Texas.

(C) The Animal Control Manager shall employ Animal Control Officers to assist him in the carrying out of his duties.

(D) The Animal Control Manager and Animal Control Officers shall be assigned to the Public Safety Department.

(E) The responsibilities of the Animal Control Manager shall be as follows:

(1) To enforce and see to the enforcement of the provisions of this chapter and other ordinances of the city and state law as they pertain to animals, their management and maintenance;

(2) Supervise the animal control operation of the City.

ANIMAL CONTROL

§ 90.03 NUMBER OF DOGS AND CATS AT RESIDENCES; MULTIPLE PET PERMIT

For purposes of this section only, pet shall mean dogs or cats

(A) Except as provided by this section, no residence in the City shall house more than four (4) dogs or four (4) cats or exceed the combined total of six (6) such animals over the age of eight (8) weeks.

(B) Any person desiring to keep more than four (4) dogs or four (4) cats or exceed the combined total of six (6) such animals over the age of eight (8) weeks at a residence may apply with the Animal Control Manager for a multi-pet permit. The applicant shall pay an annual permit fee of twenty-five dollars (\$25.00), as set by City Council, at the time of filing.

(1) The Animal Control Manager is authorized to issue such a permit if the following conditions are met:

(a) An applicant provides the Animal Control Manager with information concerning the maximum number of animals to be kept at any one time at such premises and a record search indicates that no enforcement action for violations of this chapter has been necessary within the preceding 12 months, and

(b) The Animal Control Manager inspects the property; inspection to include interviews with occupants of all immediately adjacent properties, and deems it appropriate for housing multiple pets based on criteria including, but not limited to:

(1) Facilities shall be of sufficient size as to allow each animal to move about freely. Size of the facility shall be in proportion to the size of the individual animal's height and weight.

(2) Adequate food, water, and shelter must be provided so that each and all animals kept shall be maintained in good health and free of malnutrition and/or dehydration and protected from the elements.

(3) The said premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects, and flies that could be harmful to the animal's health and/or to the health of the general public.

(4) The animals must be maintained in a manner which does not pose a danger to the health of the animals themselves or adjacent animals.

(5) The animals must not cause noise which is offensive or disturbing to a person of ordinary sensibilities on adjacent premises.

(6) All animals must be vaccinated and must wear current tags at all times in accordance with this chapter.

(2) Fees for the issuance of a multi-pet permit shall be set by City Council.

(3) The Animal Control Manager may revoke the permit prior to its expiration if:

(a) The conditions at the premises are no longer reasonably adequate to maintain the number of animals allowed by the permit;

(b) The owner fails to comply with conditions, limitations, and restrictions specified in the permit; or

(c) A persistent nuisance occurs.

(4) Multi-pet permits must be renewed annually and each renewal will require inspection and approval by the Animal Control Manager.

(5) Any person either denied a multi-pet permit, or who has had their permit revoked, may file an appeal as outlined in section 90.20.

(6) Multi-pet permits are issued for specific owners of a specific property. Application for a new multi-pet permit will be required if:

(a) The original permit holder moves to a new residence within the city limits and wishes to keep more than four (4) dogs or four (4) cats or exceed a combined total of six (6) such animals over the age of eight (8) weeks on the new property, or if

(b) Ownership of the property for which a permit was originally issued changes and the new owners desire to keep more than four (4) dogs or four (4) cats or exceed a combined total of six (6) such animals over the age of eight (8) weeks.

§ 90.04 ANIMAL ESTABLISHMENTS

(A) It shall be unlawful for an animal establishment to sell, trade, or give away any dog or cat, over sixteen (16) weeks of age, unless the dog or cat has been vaccinated as required by this chapter.

(B) The Animal Control Manager shall be permitted to inspect any animal establishment and all animals and the premises where such animals are kept at any reasonable time during normal business hours to ensure compliance with all provisions of this chapter.

(C) In addition to the other requirements of this article, animal establishments shall comply with the following minimum standards:

(1) Remove manure and droppings from pens, yards, cages, and other enclosures daily and handle or dispose of the excretions in such manner as to keep the premises free of any nuisance.

(2) Place food in impervious containers on impervious surfaces.

(3) Remove all refuse on the premises and dispose of same by a means approved by the City Health Officer.

(4) Such standards of sanitation shall be administered by the Animal Control Manager.

(5) Such establishments will comply with all laws and city ordinances.

§ 90.05 ADOPTION OF CATS OR DOGS

The Animal Control Manager shall be authorized to place for adoption dogs or cats impounded by the City under the following conditions:

(A) The Animal Control Manager shall determine whether a dog or cat is healthy enough for adoption and its health and age adequate for vaccination. However, such decision by the Animal Control Manager shall not constitute a warranty of the health or age of the animal.

(B) There will be an adoption fee for all dogs and cats at an amount set by the City Council.

(C) Requirements for Adoption of Dog or Cat Age Sixteen (16) Weeks or Older.

(1) Vaccination Fee.

(a) In the event said adopted dog or cat age sixteen (16) weeks or older is not vaccinated, a fee in an amount set by the City Council shall be paid for the issuance of a rabies vaccination voucher which the adopting person is to present to any veterinarian within one (1) week for vaccination against rabies of the adopted dog or cat. The veterinarian shall present the voucher with a statement verifying the vaccination to the Animal Control Manager for receipt of the prepaid fee or the veterinarian's fee for administering the vaccination, whichever is less.

(b) A person commits an offense if after adopting a dog or cat sixteen (16) weeks of age or older he knowingly fails to obtain a rabies vaccination for such animal within one (1) week of the adoption date.

(c) It shall be presumed that the person failed to have the animal vaccinated if within ten (10) days of the adoption date he has not presented the Animal Control Manager with proof of the vaccination. Such proof shall be in the form of a receipt from the veterinarian administering the vaccination.

(d) The Animal Control Manager shall be authorized to reimound any dog or cat adopted under this subsection if the vaccination is not obtained within the required time. In such case there shall be no refund of the adoption fee, and ownership of the animal shall revert to the City.

(2) License Fee. In the event the adopted dog or cat age sixteen (16) weeks or older is not licensed, the adopting person shall present to the Animal Control Manager the license fee as set forth in Section 90.23.1.

(D) Requirements for Adoption of a Dog or Cat Under Sixteen (16) Weeks of Age.

(1) Vaccination Fee.

(a) In the event the dog or cat to be adopted is under sixteen (16) weeks of age, the vaccination will not be required until the animal is sixteen (16) weeks of age. A fee in an amount set by the City Council shall be paid for the issuance of a rabies vaccination voucher which the adopting person is to present to any veterinarian. The veterinarian shall present the certificate with a statement verifying the vaccination to the Animal Control Manager for receipt of the prepaid fee or the veterinarian's fee for administering the vaccination, whichever is less.

(b) A person who adopts a dog or cat under this subsection commits an offense if he knowingly fails to obtain a rabies vaccination for such animal within the age limits required in this subsection.

(c) It shall be presumed that the person failed to have the animal vaccinated when it turned sixteen (16) weeks of age, if within seven (7) business days of the animal turning sixteen (16) weeks of age, the owner has not presented proof of vaccination to the Animal Control Manager. Proof shall be in the form of a receipt from the veterinarian administering the vaccine.

(d) The Animal Control Manager shall be authorized to reimound the adopted dog or cat under this subsection if the vaccination is not obtained within the required age limits. In such case there shall be no refund of the adoption fee, and ownership of the animal shall revert to the City.

(2) License Fee.

(a) Within one (1) week after a dog or cat, which was under sixteen (16) weeks old when adopted, is vaccinated against rabies, the adopting person shall furnish to the Animal Control Manager the original adoption receipt and proof of vaccination to receive the City license.

(b) The adopting person shall pay the Animal Control Manager the license fee as set out in Section 90.23.1 if the animal is to remain within the corporate City limits of Mansfield.

(3) Core Vaccine Fee.

(a) In the event an adopted dog or cat age six (6) weeks or older is not vaccinated against Canine Distemper (CDV), Infectious Canine Hepatitis (ICH), Canine Parvovirus (CPV), Canine Parainfluenza Virus, Feline Viral Rhinotracheitis (FVR), Feline Calicivirus (FCV), or Feline Panleukopenia (FPL) there will be a core vaccination fee at an amount set by the City Council.

(b) Upon payment of the core vaccination fee, the dog or cat will be provided such service by the Animal Control Manager.

(c) In the event the adopted dog or cat is under six (6) weeks of age, a voucher will be presented to the adopting person which the person may present to Animal Control, for rendering such service, upon the adopted dog or cat reaching six (6) weeks of age.

(4) Microchip Fee

(a) In the event an adopted dog or cat does not have microchip identification there will be a microchip implantation at a fee at an amount set by the City Council.

(b) Upon payment of the microchip fee, the dog or cat will be provided microchip implantation by the Animal Control Manager.

(E) Sterilization.

(1) Written Agreement. A person adopting a dog or cat that has not been sterilized shall sign a written agreement that they will have the animal sterilized:

(a) Within thirty (30) days after adoption if the dog or cat is an adult; or

(b) Within thirty (30) days after a specified date estimated by the Animal Control Manager to be the date an adopted infant female dog or cat becomes six (6) months old or an adopted infant male dog or cat becomes eight (8) months old.

(2) Fee.

(a) A person adopting an unsterilized animal shall pay the Animal Control Manager a sterilization fee in an amount set by the City Council, and shall receive a spaying or neutering voucher.

(b) Within the sterilization date, the adopting person shall present the voucher to the licensed veterinarian who performed the sterilization of the adopted animal.

(c) The veterinarian shall present the certificate to the Animal Control Manager, along with a statement verifying that the animal was sterilized, for receipt of the prepaid fee or the veterinarian's fee, whichever is less.

(3) Offense.

(a) A person who signs a sterilization agreement commits an offense if he fails to have the animal sterilized on or before the sterilization completion date stated in the agreement.

(b) If the sterilization date falls on a Saturday, Sunday or legal holiday, the deadline is extended to the first day that is not a Saturday, Sunday or legal holiday.

(c) The Animal Control Manager may extend the sterilization deadline for thirty (30) days upon presentation by the adopting person of a written report by a licensed veterinarian stating that the life or health of the adopted animal may be jeopardized by surgery. There is no limit to the number of extensions that may be granted under this subsection.

(4) Confirmation of Sterilization.

(a) A person who signs a sterilization agreement shall deliver to the Animal Control Manager a letter signed by the veterinarian who performed the surgery. The letter shall be delivered in person or by mail not later than the seventh (7th) day after the date on which the animal was sterilized. The letter shall state that the animal has been sterilized, briefly describe the animal and provide the date of sterilization.

(b) If an adopted animal dies on or before the sterilization completion date, the adopting person shall deliver to the Animal Control Manager a signed letter stating that the animal is dead. The letter shall be delivered not later than seven (7) days after the date of the animal's death, and shall describe the cause of death if known and provide the date of death. This letter shall be in lieu of the letter required in Subsection (E) (4) (a).

(c) If an adopted animal is lost or stolen before the sterilization date, the adopting person shall deliver to the Animal Control Manager a signed letter stating that the animal is lost or stolen. The letter shall be delivered not later than seven (7) days after the date of the animal's disappearance and shall describe the circumstances surrounding the disappearance and the approximate date of disappearance. This letter shall be in lieu of the letter required in subsection (E) (4) (a).

(5) Prosecution.

(a) If the Animal Control Manager does not receive a letter under Subsection (E) (4) before the expiration of the seventh (7th) day after the sterilization completion date, he shall file a complaint against the adopting person in the Mansfield Municipal Court.

(b) In a prosecution of a person for failing to sterilize an adopted animal by the sterilization completion date, it shall be presumed that the failure of such person to deliver to the Animal Control Manager a letter required by Subsection (E) (4) is the result of the person's refusal to have the adopted animal sterilized. The person may rebut this presumption at trial with the proof required by Subsection (E) (4).

(6) Reclamation of Animal.

The Animal Control Manager may reclaim an adopted animal after the expiration of the seventh (7th) day after the sterilization completion date, if the Animal Control Manager has not received a letter as outlined in Subsection (E) (4). In such case there shall be no refund of the adoption fee, and ownership of the animal shall revert to the City.

§ 90.06 LIVESTOCK AND LIVESTOCK PERMITS

(A) It shall be unlawful and illegal for any person owning or having control over any livestock to knowingly allow the same to be at large unattended on any public property, or on the property of another without the consent of such other person.

(B) It shall be unlawful and illegal for any person owning or having control over any livestock to keep said livestock, regardless of whether livestock are kept for personal use or for commercial purposes, unless a livestock permit has been obtained from the Animal Control Manager. The Livestock permit fee will be set by City Council.

(C) Any person obtaining a livestock permit will be issued a permit sign and will be required to post and maintain prominently said sign at the main entrance to the property where the livestock is kept.

(D) A separate livestock permit will be required for each different type of livestock as defined in Section 90.01.

(E) All livestock permits will be required to be renewed on an annual basis. Livestock permit renewal will be conducted between December 1st and January 31st of each year.

(F) Livestock permits may be denied or revoked for any of the following reasons:

- (1) Health or safety issues
- (2) Animal cruelty or neglect as defined in section 42.09 of the Texas Penal Code.
- (3) More than 3 violations of livestock at large within a permit year

(4) Failure to obtain a livestock permit within ten (10) business days of placing livestock on property within the City.

(G) If a livestock permit is denied or revoked, the applicant or permit holder will have thirty (30) calendar days from the date of denial or revocation to remove any and all livestock from the City limits or said livestock may be impounded by the Animal Control Manager. Failure to renew permit, in accordance with this Ordinance, shall presumptively be considered a revocation.

(H) A person denied or having a permit revoked may appeal the denial or revocation as set out in § 90.20.

§ 90.07 SWINE PROHIBITED

It shall be unlawful for any person to keep any swine in any house, shed, pen, lot, or pasture within the city.

§ 90.08 KEEPING OF FOWL

A person commits an offense if he/she:

(A) Keeps or maintains more than four (4) fowl on one-half (1/2) acre or less or at a distance closer than fifty feet (50') from any habitation located on another's property; or

(B) Keeps or maintains more than ten (10) fowl on more than one-half (1/2) acre but less than one (1) acre at a distance closer than fifty feet (50') from any habitation located on another's property.

(C) Keeps or maintains twenty-five (25) fowl or more on one (1) acre or more at a distance closer than fifty feet (50') from any habitation located on another's property.

(D) Fails to keep any duck, goose, or swan from being at large however, all ducks, geese, or swans found within the parks of the City are hereby exempted.

(E) Fails to keep any chicken, pea-fowl, turkey, or guinea fowl contained within a coop or pen.

(F) Keeps or maintains roosters except with written permission of the Animal Control Manager.

(G) No fowl shall be kept within one hundred (100) feet of any private water well.

(H) In connection with all of the above, the premises and facilities used for the keeping of fowl authorized to be kept under any of the provisions of this section must be kept in such a manner as to prevent the emission of odor or noise offensive to persons of ordinary sensibilities in the neighborhood or the existence of any nuisance dangerous to the public health.

§ 90.09 ANIMALS AT-LARGE

- (A) A person commits an offense if he fails to keep an animal he owns from being at large.
- (B) It is an exception to (A) that the animal was a police service animal under the supervision of a peace officer in the performance of his official duties.
- (C) Each animal in violation of this Section constitutes a separate offense.

§ 90.10 DANGEROUS WILD ANIMALS

- (A) It shall be unlawful to keep any dangerous wild animal inside the City.
- (B) It shall be an exception that a dangerous wild animal may be kept within the city only during the time a circus is performing or a maximum of thirty (30) days, and the dangerous wild animal must be under the care and control of a bona fide circus.

§ 90.11 DANGEROUS ANIMALS

- (A) A person learns that the person is the owner of a dangerous animal when:
 - (1) The owner knows of an attack as described in section 90.01, definition of "dangerous animal"; or
 - (2) The owner is informed by the Animal Control Manager that the animal is a dangerous animal.
- (B) If a person reports an incident described in section 90.01, definition of "dangerous animal," the Animal Control Manager shall investigate the incident. If, after receiving the sworn statements of any witnesses, the Animal Control Manager determines that the animal is a dangerous animal, he shall notify the owner of that fact.
- (C) An owner, not later than the tenth (10th) business day after the date the owner is notified that an animal owned by the owner is a dangerous animal, may appeal the determination of the Animal Control Manager to Municipal Court.
- (D) The owner of the animal shall be required to remand custody of the dangerous animal to Animal Control pending the outcome of any appeal. The owner shall be required to pay fees associated with the care and boarding of the animal while the appeal is pending. If such animal is not surrendered to the City, the Animal Control Manager and /or staff may obtain a warrant to seize such animal.
- (E) If the court upholds the dangerous animal determination on appeal, the Animal Control Manager shall maintain custody of the dangerous animal until the owner arranges for the dangerous animal to be removed from the City or until the owner relinquishes ownership of the dangerous animal to the City for humane euthanasia. If the dangerous animal is removed from the City, the

owner will be required to provide an exact address that the dangerous animal will be relocated to, and the proper authorities for the jurisdiction will be notified by the Animal Control Manager.

(F) If any dangerous animal found in violation of any provision of section 90.11 cannot be taken up and impounded with reasonable safety for the person attempting the same, such animal may be slain by any peace officer or animal control officer.

(G) The animal control officer or any peace officer shall be authorized to obtain a search and seizure warrant if there is reason to believe that a dangerous animal ordered removed from the City has not been so removed or has been returned to the City. Any person within the City Limits of Mansfield found to be in possession of any animal that has been determined "dangerous" by the Animal Control Manager shall be in violation of the dangerous animal order.

§ 90.12 NUISANCES

(A) The following actions are considered to be a nuisance and shall be unlawful:

(1) No female animal in heat shall be allowed upon any street, avenue, highway, alley, sidewalk, parkway, park or other public place within the city, unless such animal is under the control of the owner or any other person, either by leash, cord, chain or otherwise, and only for the minimal amount of time necessary for female animal to defecate or urinate. Should female animal create or cause a nuisance as described in any other section of 90.12, the person in control of the female animal shall be found to be in violation of Section 90.12(B).

(2) The keeping of any animal, which, by causing frequent or long continued barking, crying or noise that shall disturb any person of ordinary sensibilities in the vicinity is prohibited.

(3) The keeping of any animal or insect in such a manner so to endanger the public health; to annoy neighbors by the accumulation of animal wastes which cause foul and offensive odors, or are considered to be a hazard to any other animal or human being; or by continued presence on the premises of another is prohibited.

(4) All animal pens, stables or enclosures in which any animal may be kept or confined which, from use, have become offensive to a person of ordinary sensibilities are prohibited.

(5) It shall be unlawful for any person in the city to cause to be placed or place on the premises of any other person, or in any of the streets or other public ways, a dead animal, either wild or domesticated, or any dead fowl, either wild or domesticated, or allow to remain on his or her premises a dead animal, either wild or domesticated.

(6) The owner of any animal who permits, takes, or causes such animal to be on any sidewalk, park, or other public place shall clean up any waste created by such animal and remove it to an appropriate trash disposal location.

(B) It is unlawful to create or allow a nuisance as defined herein. Any person who creates or allows a nuisance is deemed guilty of a misdemeanor and, upon conviction, is subject to a fine, as authorized by other sections of this chapter and references to the Code of Ordinances of the City.

(C) A continuing public nuisance in this section is defined as an irresponsible action of ownership or control of an animal(s) that endangers the public health, public safety or public welfare; an action that offends the public morals; or an action that endangers life or health, gives unreasonable offense to the senses, or obstructs the reasonable and comfortable use of another's property. If the Animal Control Manager determines that a continuing public nuisance exists, one which is detrimental to the public health, safety, and welfare and one which continues unabated despite enforcement efforts, he may take action to abate such nuisance.

(1) If the Animal Control Manager determines that such public nuisance exists unabated, the Animal Control Manager may determine that a continuing public nuisance exists. He may investigate any report of perceived nuisance, and may interview witnesses as he may determine necessary. He shall make a disposition determination based on the necessity to preserve the public health, safety, and welfare of the community. This determination shall be one of the following:

(a) Impoundment of the animal(s) that is the source of the continuing public nuisance and the adoption of the animal(s), except that the owner, his/her agents or representatives, or family members may not adopt the animals adjudged a continuing public nuisance.

(b) Impoundment and humane destruction of the animal(s) that is the source of the continuing public nuisance.

(c) Removal of an animal(s) determined to be a continuing public nuisance from the City.

(2) Upon determination, the Animal Control Manager shall notify the animal owner or the person in control of the animal(s). This notice shall be in writing and shall contain a statement that such person has a right to appeal.

(3) Notice shall be mailed certified mail, return receipt requested, to last known mailing address of the owner or person in control of the animal(s), or delivered in person.

(4) An owner or person in control of the animal(s), not later than ten (10) business days after the date such person is notified that an animal(s) is a continuing public nuisance, may appeal the determination of the Animal Control Manager to the Municipal Court.

(5) The owner or person in control of the animal(s) determined to be a continuing public nuisance shall remove such animal(s) from the City within ten (10) business days of such notification by the Animal Control Manager, or within forty-eight (48) hours of an unsuccessful appeal. The failure to remove such animal(s) shall be an offense and each day thereafter that such person fails to remove such animal(s) shall constitute a separate offense.

(6) If the owner or person in control of such animal(s) fails to remove such animal(s) as provided for by the order of the Animal Control Manager or the Court, such animals may be impounded and put up for adoption or humanely destroyed.

(7) The owner or person in control of such animal(s) must report the disposition and exact address or relocation of such animal(s) to the Animal Control Manager in writing within ten

business days after the expiration date for removal of such animal(s) from the City. Each day thereafter that such information is not provided shall constitute a separate offense.

(8) The Animal Control Manager shall be authorized, after due process, to obtain a search and seizure warrant for the purpose of enforcing this section.

§ 90.20 APPEALING ACO DETERMINATIONS, ORDERS, AND PERMIT DENIALS AND REVOCATIONS

(A) Upon written request for appeal by an owner or caretaker whose animal has been seized, ordered removed from the city, been denied a permit, had a permit revoked, or had restrictions placed upon the keeping of an animal, the Municipal Court shall set a time for an appeal hearing to determine the appropriateness of any decision. The hearing must be held not later than ten (10) business days after the date on which the appeal of the seizure or the order to remove the animal from the City was issued, unless agreed to by all parties.

(1) All appeals must be filed in writing not later than ten (10) business days after the animal was seized or ordered removed from the city.

(2) The appeal must be filed with the Animal Control Manager.

(3) The Municipal Court shall give written notice of the time and place of the hearing to:

(a) The owner of the animal, or the person from whom the animal was seized or received the order to remove said animal from the city; and

(b) The person who made the complaint.

(4) Any interested party, including the City Attorney, is entitled to present evidence at the hearing.

§ 90.21 PROMOTIONAL DISPLAYS; DYEING PROHIBITED

(A) It shall be unlawful for any person to sell, offer for sale, barter, or give away as toys, premiums or novelties, baby chickens, ducklings, or other fowl under three (3) weeks old, or rabbits under eight (8) old, unless the manner or method of display is first approved by the Animal Control Manager.

(B) It shall be unlawful to color, dye, stain, or otherwise change the natural color of any chickens, ducklings, other fowl, or rabbits, or to possess for the purpose of sale or to be given away, any of the above mentioned animals which have been so colored.

(C) (1) It shall be unlawful for any person to sell, exchange, trade, barter, lease, give away, or display for a commercial purpose, any live animal on any roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, flea market, or commercial or retail parking lot that is generally accessible by the public, regardless of whether

such access is authorized, or any property to which the public has access that does not have a valid business license allowing the sale of animals on the property.

(2) It shall be unlawful for any person to receive any live animal through sale, exchange, trade, barter, lease, rent, or give away from any roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, flea market, or commercial or retail parking lot that is generally accessible by the public, regardless of whether such access is authorized, or any property to which the public has access that does not have a valid business license allowing the sale of animals on the property.

(3) Officers in the City's public health, code compliance, and public safety departments are authorized to investigate alleged violations of this section and to issue citations for such violations.

§ 90.22 LICENSE, VACCINATION AND MICROCHIP REQUIREMENTS

(A) A person commits an offense if he owns any dog or cat over sixteen (16) weeks of age without having such dog or cat currently vaccinated against rabies.

(1) The same animal must receive a booster within the twelve (12) month interval following the animal's initial vaccination.

(2) The same animal must be revaccinated against rabies at the recommended interval for booster vaccination as established by the vaccine manufacturer.

(B) A person commits an offense if he owns any dog or cat over sixteen (16) weeks of age without having such dog or cat currently licensed with the City of Mansfield.

(C) A person who owns a dog or cat commits an offense if he fails to display on such dog or cat both a current rabies vaccination tag furnished by a veterinarian and a current license tag furnished by the City of Mansfield.

(D) A person who owns a dog or cat commits an offense if he displays on such dog or cat a rabies or license tag issued to another animal.

(E) A person who owns any dog or cat over sixteen (16) weeks of age having such dog or cat micro-chipped, or any existing micro-chip verified by the Animal Control Manager, and micro-chip registered with a national micro-chip data base shall receive a five (5) dollar discount from the annual license fee.

(F) The Animal Control Manager may revoke or deny the license of a cat or dog issued to any person who has been convicted in any duly authorized court of jurisdiction in the state, or resides with any person so convicted of any of the following:

(1) Cruelty to animals as defined in the Tex. Penal Code, Art. 42.09, inhumane treatment, or negligence to an animal; or

- (2) Conviction of four (4) or more separate and distinct violations of an animal control ordinance of a municipality in the state within any twelve (12) month period.
- (G) A person denied such a registration may appeal the refusal as set out in § 90.20.
- (H) Each animal in violation of this Section constitutes a separate offense.

§ 90.23 IMPOUNDMENT; FEES

- (A) The City Manager shall select and establish a place for impounding all animals impounded under any provision of this chapter.
- (B) Animals that may be impounded are as follows:
 - (1) Cats and dogs not exhibiting evidence of being vaccinated as described in § 90.22 or licensed as described in § 90.22.
 - (2) Any animal kept under conditions that could endanger the public health or public safety.
 - (3) Any animal that creates a nuisance, as defined in § 90.12.
 - (4) Any animal running at large, as stipulated in § 90.09.
 - (5) A dog or cat that has rabies or symptoms thereof, or that a person could suspect as having rabies, or that bites, scratches or otherwise creates a condition which may have exposed or transmitted the rabies virus to any human being.
 - (6) A dog or cat that is suspected of having inflicted bodily injury on any human being or animal, or poses a threat to public safety.
 - (7) Any dog or cat whose license has been revoked, or livestock that has had its permit revoked.
 - (8) Any animal in violation of any provisions of this chapter.
- (C) Reasonable effort shall be made by the animal control officer to contact the owner of any animal impounded which is wearing a current vaccination tag or city license tag; however, final responsibility for location of an impounded animal is that of the owner.
- (D)
 - (1) The owner can resume possession of any impounded animal upon payment of impoundment fees, handling fees, and any veterinary bills incurred by animal control for the welfare of the animal, and upon compliance with the vaccination and licensing provisions of this code except where prohibited in divisions (2) and (3) below and all other provisions of this chapter.
 - (2) Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.

(3) If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine.

(E) (1) Any animal not reclaimed by the owner may be humanely euthanized after being impounded for seventy-two (72) hours, except that any animal wearing a current rabies vaccination tag and any animal that is microchipped shall be impounded for not less than six (6) days and any animal wearing a city license tag shall be impounded for not less than fifteen (15) days.

(2) Any impounded feral or unmanageable animals, unless there is reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the Animal Control Manager for the safety of staff caring for the animal during the impoundment period.

(3) Any nursing baby animal impounded without the mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanized to prevent further suffering.

(4) An owner who no longer wishes responsibility of an animal, or believes the animal to be in an ill or injured condition, may sign a written waiver allowing the animal to be immediately euthanized in a humane manner, provided that no dog or cat that has bitten a human being shall be euthanized before expiration of the ten (10) day quarantine period.

(5) Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a non-profit humane organization for the purpose of veterinary medical care, as determined by the Animal Control Manager.

§ 90.23.1 FEE SCHEDULE

(A) A fee schedule for animal control related matters shall be established by the City Council to be incorporated in the policies and procedures associated with this chapter.

Adoptions

Spay/Neuter \$25 (voucher) Per Animal

Rabies \$10(voucher) Per Animal

Microchip \$20 Per Animal

Core Vaccine \$5 Per Animal

City License

Spay/Neuter \$10

Non-Spay/Neuter \$15

Impoundment Fees

Dogs/Cats 1st \$20

Dogs/Cats 2nd \$30

Dogs/Cats 3rd \$45

Boarding \$5 Per Day Per Animal

Livestock

Large 1st \$100

Large 2nd \$150

Large 3rd \$200

Boarding \$20 Per Day Per Animal

Small 1st \$20

Small 2nd \$30

Small 3rd \$45

Boarding \$10 Per Day Per Animal

Livestock Permit

Large \$25 Per Animal Category

Small \$25 Per Animal Category

Livestock

Deceased Removal Large \$100 Per Animal

Small \$50 Per Animal

Owner Relinquish

Pickup Fee Licensed \$30 Per Animal

Non-Licensed \$40 Per Animal

Owner Drop Off Licensed \$20 Per Animal

Non-Licensed \$30 Per Animal

Quarantine

Boarding \$10 Per Day Per Animal

Testing \$60 Per Animal

Microchip

Implant \$20 Per Animal

§ 90.24 ENFORCEMENT

(A) Primary enforcement of this subchapter shall be the responsibility of the Animal Control Department. In the absence of an Animal Control Officer, any department or official designated by the City Manager shall have enforcement responsibilities and authority.

(B) Animal Control Officers shall have the authority to issue citations for any violations of this subchapter.

(C) If the person being cited is not present, they may be summoned to court in accordance with applicable law.

(D) It shall be unlawful for any person to interfere with the Animal Control Officer in the performance of duties. A person interferes with an Animal Control Officer if he/she:

(1) Releases or causes an animal to be released after an Animal Control Officer has impounded the animal; or

(2) Physically constrains the movement of an Animal Control Officer or his/her vehicle or equipment by:

(a) Placing any part of the person or person's property in the way of the Animal Control Officer's progress in the performance of the Officer's duties; or

(b) Taking or moving an Officer's equipment which causes a time delay in the Officer's ability to use the equipment.

§ 90.25 CARE AND HUMANE TREATMENT OF ANIMALS

(A) Every owner or person having care and control of any animal shall provide the following for each animal under his or her care:

(1) Sufficient nutritious and wholesome food, served in clean containers, to maintain the animal in good health.

(2) Clean and wholesome water, served to the animal in a clean container, such water to be available to the animal at all times.

(3) Adequate shelter which shall allow the animal to remain dry and protected from the elements at all times and which shall provide either natural or artificial shade for the animal to avoid direct sunlight. If the shelter is provided by enclosure, the enclosure shall allow for adequate ventilation.

(4) Veterinary care shall be provided as needed to prevent suffering and maintain the animal in a healthy state.

- (B) A person commits an offense if he beats, torments, overloads, overworks, maims, disfigures, burns or scalds, mutilates or needlessly kills an animal, or if he carries or transports an animal in any vehicle or other conveyance in a cruel or inhumane manner, or if he permits any animal to remain in its own filth or if he causes any of these acts to be done.
- (C) It shall be unlawful for a person to crop a dog's ears, dock a tail, remove dew claws or perform other surgical procedures on a dog or a cat except as provided by the veterinary licensing act.
- (D) It shall be unlawful for a person to use steel jaw or leg-hold traps.
- (E) It shall be unlawful for an owner or other person having care and control of any animal to abandon said animal.
- (F) It shall be unlawful for a person to confine an animal in a parked or standing vehicle in such a way as to endanger the animal's health, safety, or welfare. It is presumed that an animal's health, safety, or welfare is endangered when the animal is confined in a parked or standing vehicle for a period of five (5) or more minutes when the ambient outside air temperature measures above eighty-five (85) degrees Fahrenheit or below thirty-five (35) degrees Fahrenheit. It shall be Prima Facia proof that temperature at time of violation when such temperature is verified at the Animal Control Office at 407 Industrial, Mansfield, Texas.
- (G) It shall be unlawful for a person to use a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object or trolley system and such animal can become entangled or otherwise immobilized in such a way as to prevent access to food, water, or shelter. Restraint under such conditions is presumed to be cruel confinement for purposes of this chapter.

RABIES CONTROL AND BITE PROCEDURES

§ 90.35 DEFINITIONS

The following words and terms when used in this Section shall have the following meanings unless the context clearly indicates otherwise:

- (A) Animal shall mean any live or dead mammal, domesticated or wild, excluding Homo sapiens.
- (B) Bite or scratch shall mean a bite or scratch that breaks the skin and is capable of transmitting rabies.
- (C) High Risk Animal shall mean any animal that has a high probability of transmitting rabies (including foxes, bats, skunks, coyotes, and raccoons).
- (D) Low Risk Animal shall mean any animal that has a low probability of transmitting rabies as determined by the Animal Control Manager.

§ 90.36 REPORT OF RABIES

- (A) A person commits an offense if he has knowledge of an animal bite or scratch of a human and fails to report said bite or scratch to the Animal Control Manager within twenty-four (24) hours from the time of the incident.
- (B) A person commits an offense if he knows of an animal that he suspects is rabid and fails to report such animal to the Animal Control Manager.
- (C) A report shall be written or oral and include if known, the name and address of the victim and of the animal's owner, and any information which could lead to locating the victim, the animal, and the animal's owner.
- (D) The Animal Control Manager shall investigate all reports made under this Section.
- (E) The owner of the biting animal will place that animal in quarantine as prescribed in § 90.37 under the supervision of the Animal Control Manager.
- (F) Humans bitten by rodents, birds and reptiles are excluded from the reporting requirements of this section.
- (G) The provisions of this chapter shall not apply to dogs trained and used by police departments, corrections departments or other government service.

§ 90.37 QUARANTINE PROCEDURES FOR ANIMALS

- (A) The owner of an animal that has bitten or scratched a human commits an offense if he fails to submit the animal to the Animal Control Manager for quarantine immediately upon notification by the Animal Control Manager of a biting or scratching incident.
- (B) The owner of an animal that is suspected of being rabid commits an offense if he fails to submit the animal to the Animal Control Manager for quarantine immediately when ordered by the Animal Control Manager to do so.
- (C) The Animal Control Manager shall follow these procedures for quarantining and testing:
- (1) When a dog or cat has bitten or scratched a human, the dog or cat shall be placed in quarantine, in a facility specified by the Animal Control Manager and approved by the Texas Department of State Health Services.
 - (2) When an animal that has not bitten or scratched a human is suspected of having rabies, it shall be placed in quarantine for ten (10) days, in a facility specified by the Animal Control Manager and approved by the Texas Department of State Health Services.
 - (3) Upon the request of the owner of a dog or cat which has bitten or scratched a human, and at the sole discretion of the Animal Control Manager, the Animal Control Manager may permit home quarantine for the animal if the following criteria can be met:

- (a) The animal was currently vaccinated against rabies at the time of the bite or scratch;
 - (b) The animal was not at large at the time of the bite or scratch;
 - (c) The animal's owner has secure facilities at his home for the animal which have been approved by the Animal Control Manager;
 - (d) The Animal Control Manager or a licensed veterinarian must observe the animal on at least the first (1st) and eighth (8th) days of the quarantine period;
 - (e) If the animal becomes ill during the observation period, the person with possession of the animal must notify the Animal Control Manager;
 - (f) The owner must sign an agreement to abide by the quarantine rules; and
 - (g) At the end of the quarantine period, the animal shall be observed by a licensed veterinarian and the veterinarian will generate a letter authorizing the release of the animal from quarantine.
- (4) If the Animal Control Manager is in possession of a dog or cat which has bitten or scratched a human, and such animal is designated as unowned, the Animal Control Manager may cause such animal to be euthanized, and shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.
- (5) If the animal which has bitten or scratched a human is a high risk animal, the Animal Control Manager shall cause such animal to be euthanized, and shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.
- (6) If the animal which has bitten or scratched a human is a low risk animal, the Animal Control Manager shall cause the animal to be euthanized, and shall submit its brain for rabies diagnosis by a Texas Department of State Health Services certified laboratory if the Animal Control Manager has cause to believe the animal is rabid. If the Animal Control Manager has no cause to believe the animal is rabid, then neither quarantining nor testing will be required.
- (7) If the animal, including a dog or cat, which has bitten or scratched a human inflicted multiple bite wounds, lacerations or punctures to a person, the Animal Control Manager may cause the animal to be euthanized, and shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.
- (8) If the animal which has bitten or scratched a human is not included in (1), (2), (3), (4), (5), (6) or (7) of this subsection, the Animal Control Manager shall cause the animal to be euthanized, and shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.
- (9) The Animal Control Manager shall cause to be euthanized any animal required to be quarantined under this subsection which cannot be maintained in a secure quarantine, and shall

submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

(10) The Animal Control Manager shall follow the rules promulgated by the Texas Department of State Health Services when submitting an animal brain for testing.

(11) The Animal Control Manager may euthanize an unowned animal prior to the end of the quarantine, and have the brain tested for rabies.

(12) All quarantined animals shall be separated from all other animals in such a manner that there is no possibility of physical contact between animals.

§ 90.38 DISPOSITION OR RELEASE OF QUARANTINED ANIMAL

(A) At the conclusion of the quarantine, the Animal Services Control shall release the quarantined animal to its owner if the quarantined animal shows no clinical signs of rabies, and

(1) If the owner presents an unexpired rabies vaccination certificate for the animal to the Animal Control Manager; or

(2) If the animal is vaccinated against rabies by a licensed veterinarian at the owner's expense, and the owner presents a rabies vaccination certificate for the animal to the Animal Control Manager.

(B) The Animal Control Manager shall euthanize any animal which at the end of the quarantine period is determined by a veterinarian to show clinical signs of rabies.

(C) If an animal dies, is killed, or euthanized while in quarantine, the Animal Control Manager shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

(D) The owner of a quarantined animal shall pay to the Animal Control Manager all costs of quarantine and disposition of the animal, by fee set by the Council. No quarantined animal shall be released until all fees have been paid.

(E) If the owner of an animal fails to take possession of the animal before the fourth (4th) day following the final day of the quarantine period, the Animal Control Manager shall at his option place the animal for adoption or cause it to be euthanized.

§ 90.39 ANIMAL EXPOSED TO RABIES

(A) The owner of an animal which has been bitten by a rabid animal or exposed by physical contact to its fresh tissues commits an offense if he fails to report such bite or exposure to the Animal Control Manager within twenty-four (24) hours of the incident.

(B) The owner of an animal which has been bitten by a rabid animal or exposed by physical contact to its fresh tissues commits an offense if he fails to submit his animal to the Animal Control Manager for quarantine or to be euthanized immediately when requested to do so by the Animal Control Manager.

(C) If the animal which has been bitten or exposed has not been vaccinated against rabies and is an animal for which an approved vaccine exists, the Animal Control Manager:

(1) May cause such animal to be euthanized; or

(2) May, if sufficient justification for preserving the animal exists, cause the animal to be immediately vaccinated against rabies, placed in strict isolation for ninety (90) days, and given booster vaccinations during the third (3rd) and eighth (8th) weeks of isolation. If the animal is under sixteen (16) weeks of age at the time of the second (2nd) vaccination, an additional booster shall be given when the animal reaches sixteen (16) weeks of age.

(D) If the animal which has been bitten or exposed was currently vaccinated against rabies at the time of the bite or exposure, and is an animal for which an approved vaccine exists, the Animal Control Manager:

(1) May cause such animal to be euthanized; or

(2) May, if sufficient justification for preserving the animal exists, cause the animal to be given an immediate booster rabies vaccination and be placed in strict isolation for forty-five (45) days.

(E) If the animal which has been bitten or exposed is an animal for which no approved rabies vaccine exists, the Animal Control Manager shall cause such animal to be euthanized.

(F) The procedures for disposition or release of the animal following isolation shall be the same as those for disposition of an animal following quarantine set forth in Section 90.38.

§ 90.50 ANIMAL ADVISORY COMMITTEE

(A) The governing body of a county or municipality in which an animal shelter is located shall appoint an Animal Advisory Committee to assist in complying with the requirements of Chapter 823 of the Texas Health and Safety Code.

(B) The Advisory Committee must be composed of at least one licensed veterinarian, one municipal official, one person whose duties include the daily operation of an animal shelter, and one representative from an animal welfare organization.

(C) Members shall serve for three (3) years and may be reappointed.

(D) The Advisory Committee shall meet at least three times a year.

§ 90.99 PENALTY

(A) Any person violating any of the provisions of § 90.15 through § 90.24 shall be deemed guilty of a Class C misdemeanor and each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of § 90.15 through § 90.24 is committed, continued or permitted, and each violation shall be punishable by a fine not to exceed \$500.

(B) Any person violating any of the provisions of § 90.35 through § 90.38 shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of § 90.35 through § 90.38 is committed, continued or permitted, and each violation shall be punishable by a fine not to exceed \$2,000.

IMPLEMENTATION OF CHAPTER

Schedule

Beginning December 01, 2010, this Chapter shall apply to all animals, as defined herein, in the City of Mansfield.

Review

The Chief of Police or his/her designee shall monitor the enforcement and effect of this Chapter and make a report to the City Manager or his/her designated representative as requested, of its effect in reducing animal related violations.

SECTION 2.

That all Ordinances of the City in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provision of this Ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not effect the validity of this Ordinance as a whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not effect the validity of the Mansfield Code of Ordinances as a whole.

SECTION 4.

Any person violating any of the provisions of § 90.15 through § 90.24 shall be deemed guilty of a Class C misdemeanor and each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of §

90.15 through § 90.24 is committed, continued or permitted, and each violation shall be punishable by a fine not to exceed five hundred dollars(\$500).

Any person violating any of the provisions of § 90.35 through § 90.38 shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of § 90.35 through § 90.38 is committed, continued or permitted, and each violation shall be punishable by a fine not to exceed the sum of two thousand dollars (\$2,000).

SECTION 5.

This Ordinance shall take effect as specified in the above sections after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

FIRST READING APPROVED ON THIS THE 13TH DAY OF SEPTEMBER, 2010.

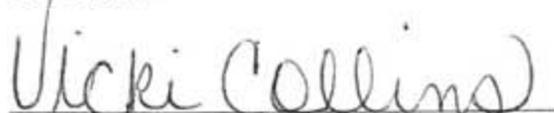
SECOND READING APPROVED ON THIS THE 27TH DAY OF SEPTEMBER, 2010.

DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS THIS 11TH DAY OF OCTOBER, 2010.



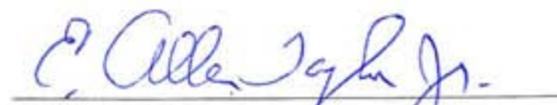
David L. Cook, Mayor

ATTEST:



Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY:



City Attorney