

ORDINANCE NO. 88-10

AN ORDINANCE PROVIDING FOR THE CONTROL OF ANIMALS; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR RABIES CONTROL; PROVIDING A VIOLATION FOR RUNNING AT LARGE; PROVIDING FOR REGISTRATION; PROVIDING FOR IMPOUNDMENT; PROVIDING FOR FEES; PROVIDING FOR QUARANTINE; PROVIDING FOR NUISANCES; PROVIDING FOR PROHIBITION OF CERTAIN ANIMALS; PROVIDING FOR CONTROL OF VICIOUS ANIMALS; PROVIDING FOR SANITARY CONDITIONS; PROVIDING FOR A PENALTY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF ORDINANCE IN CONFLICT THEREWITH; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND AN EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PROSPER, TEXAS:

SECTION I

DEFINITIONS

1. DOMESTIC ANIMALS: SHALL INCLUDE ALL SPECIES OF ANIMALS COMMONLY ACCEPTED AS BEING DOMESTICATED.
2. ANIMALS: SHALL MEAN ANY LIVING CREATURE, INCLUDING BUT NOT LIMITED TO, DOGS, CATS, HORSES, BIRDS, FISH, MAMMALS, REPTILES, INSECTS, FOWL AND LIVESTOCK, BUT SPECIFICALLY EXCLUDING HUMAN BEINGS.
3. PET ANIMAL: SHALL INCLUDE DOGS, CATS, RABBITS, RODENTS, BIRDS, REPTILES AND ANY OTHER SPECIES OF ANIMAL THAT ARE SOLD OR RETAINED AS A HOUSEHOLD PET BUT SHALL NOT INCLUDE SKUNKS, NONHUMAN PRIMATES AND ANY OTHER SPECIE OF WILD, EXOTIC, OR CARNIVOROUS ANIMAL THAT MAY BE FURTHER RESTRICTED IN THIS LAW.
4. WILD ANIMAL: SHALL MEAN ANY POISONOUS OR DANGEROUS REPTILE, OR ANY OTHER SPECIES OF ANIMALS THAT COMMONLY EXISTS IN A NATURAL, UNCONFINED STATE AND IS USUALLY NOT DOMESTICATED, INCLUDING, BUT NOT LIMITED TO, FOXES, OPOSSUMS, RACCONS, SQUIRRELS, LEOPARDS, PANTHERS, TIGERS, LIONS, LYNX, UNLESS CERTIFIED FOR MEDICAL, BIOLOGICAL, HERPETOLOGICAL OR OTHER SCIENTIFIC RESEARCH OR STUDY. THIS DEFINITION SHALL APPLY REGARDLESS OF STATE OR DURATION OF CAPTIVITY.
5. VICIOUS ANIMAL: SHALL MEAN ANY INDIVIDUAL ANIMAL OR ANY SPECIES THAT HAS ON ONE PREVIOUS OCCASION WITHOUT PROVOCATION ATTACKED OR BITTEN ANY PERSON OR OTHER ANIMAL, OR ANY INDIVIDUAL ANIMAL THAT THE LOCAL HEALTH AUTHORITY OR SUPERVISOR OF ANIMAL CONTROL HAS REASON TO BELIEVE HAS A DANGEROUS DISPOSITION, OR ANY SPECIES OF ANIMAL THAT THE LOCAL HEALTH AUTHORITY OR SUPERVISOR HAS REASON TO BELIEVE HAS A DANGEROUS DISPOSITION LIKELY TO BE HARMFUL TO HUMANS OR OTHER ANIMALS.

6. ANIMAL CONTROL OFFICER: SHALL MEAN ANY PERSON OR AGENCY DESIGNATED BY THE SUPERVISOR OF ANIMAL CONTROL OR THE CITY OF PROSPER TO ENFORCE THE PROVISIONS OF THIS ORDINANCE.

7. SMALL LIVESTOCK: SHALL MEAN ALL TYPES OF DOMESTICATED SWINE, SHEEP AND GOATS.

8. LARGE LIVESTOCK: SHALL MEAN HORSES OR ANY MEMBER OF THE DOMESTICATED HORSE FAMILY, INCLUDING BUT NOT LIMITED TO, MULES, DONKEYS AND PONIES; AND ALL TYPES AND VARIETIES OF CATTLE.

9. OWNER: SHALL MEAN ANY PERSON, FIRM OR CORPORATION HAVING TITLE TO ANY ANIMAL; OR A PERSON WHO HAS, HARBORS OR KEEPS OR CAUSES OR PERMITS TO BE HARBORED OR KEPT, ANY ANIMAL IN HIS CARE, OR WHO PERMITS AN ANIMAL TO REMAIN ON OR ABOUT HIS PREMISES.

10. SUPERVISOR OF ANIMAL CONTROL: SHALL MEAN THE PERSON DESIGNATED BY THE CITY COUNCIL OF THE CITY OF PROSPER TO SUPERVISE ALL ASPECTS OF ANIMAL CONTROL.

11. RUNNING AT LARGE: SHALL MEAN NOT COMPLETELY CONFINED BY A BUILDING, WALL OR FENCE OF SUFFICIENT STRENGTH OR CONSTRUCTION TO RESTRAIN THE ANIMAL, OR NOT ON A LEASH OR HELD IN THE HANDS OF THE OWNER OR KEEPER, OR NOT UNDER DIRECT SUPERVISION OF THE OWNER WITHIN THE LIMITS OF THE OWNER'S PRIVATE PROPERTY.

12. ANIMAL CONTROL: SHALL MEAN THE ANIMAL CONTROL FUNCTION OF THE CITY OF PROSPER.

13. COMMERCIAL STABLE: SHALL MEAN A FACILITY WHERE A FEE IS CHARGED TO HOUSE, PASTURE OR RENT HORSES OR OTHER LIVESTOCK.

14. DOGS: SHALL MEAN ANY LIVE OR DEAD DOG (CANIS FAMILIARIS).

15. CAT: SHALL MEAN ANY LIVE OR DEAD CAT (FELIS CATUS).

16. 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 FOR A PERIOD OF THREE (3) CONSECUTIVE 1 DAYS.

17. STRAY ANIMAL: ANY ANIMAL FOR WHICH THERE IS NO IDENTIFI-  
ABLE OWNER OR HARBORER.

18. VACCINATED: MEANS 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 OF TEXAS.

19. CURRENTLY VACCINATED: MEANS VACCINATED AND SATISFYING THE FOLLOWING CRITERIA:

- (a) THE ANIMAL MUST HAVE BEEN AT LEAST THREE (3) MONTHS OF AGE AT THE TIME OF VACCINATION.
- (b) AT LEAST THIRTY (30) DAYS HAVE ELAPSED SINCE THE INITIAL VACCINATION.
- (c) NO MORE THAN TWELVE (12) MONTHS HAVE ELAPSED SINCE THE MOST RECENT VACCINATION.

20. LOCAL HEALTH AUTHORITY: A PERSON OR AGENCY DESIGNATED BY THE CITY OF PROSPER TO RECEIVE REPORTS OF ANIMAL BITES, INVESTIGATE BITE REPORTS, INSURE QUARANTINE OF POSSIBLE RABID ANIMALS AND OTHERWISE CARRY OUT PROVISIONS OF THE TEXAS LAW PERTAINING TO CONTROL AND ERADICATION OF RABIES.

## SECTION II

### RABIES CONTROL

1. VACCINATIONS: EVERY OWNER OF A DOG OR CAT THREE (3) MONTHS OF AGE OR OLDER SHALL HAVE SUCH ANIMAL VACCINATED AGAINST RABIES. ALL DOGS OR CATS VACCINATED AT THREE (3) MONTHS OF AGE OR OLDER SHALL BE REVACCINATED AT ONE (1) YEAR OF AGE AND ANNUALLY THEREAFTER. ANY PERSON MOVING INTO THE CITY FROM A LOCATION OUTSIDE OF THE CITY SHALL COMPLY WITH THIS SECTION OF THIS ORDINANCE WITHIN THIRTY (30) DAYS AFTER HAVING MOVED INTO THE CITY. IF THE DOG OR CAT HAS INFLICTED A BITE ON ANY PERSON, OR ANOTHER ANIMAL, WITHIN THE LAST TEN (10) DAYS, THE OWNER OF SAID DOG OR CAT SHALL REPORT SUCH FACT TO THE VETERINARIAN, AND NO RABIES VACCINE SHALL BE ADMINISTERED UNTIL AFTER THE TEN (10) DAY OBSERVATION PERIOD.

2. CERTIFICATE OF VACCINATION: UPON VACCINATION, THE VETERINARIAN SHALL EXECUTE AND FURNISH TO THE OWNER OF THE DOG OF CAT AS EVIDENCE THEREOF, A CERTIFICATE UPON A FORM FURNISHED BY THE VETERINARIAN. THE VETERINARIAN SHALL RETAIN A DUPLICATE COPY. SUCH CERTIFICATE SHALL CONTAIN THE FOLLOWING INFORMATION:

- (a) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE OWNER OF THE VACCINATED DOG OR CAT;
- (b) THE DATE OF VACCINATION;
- (c) THE TYPE OF RABIES VACCINE USED;
- (d) THE YEAR AND NUMBER OF RABIES TAG; AND,
- (e) THE BREED, AGE, COLOR AND SEX OF THE VACCINATED DOG OF CAT.

3. RABIES TAGS: CONCURRENT WITH THE ISSUANCE AND DELIVERY OF THE CERTIFICATE OF VACCINATION REFERRED TO IN SECTION II.2, THE OWNER OF THE DOG OR CAT SHALL CAUSE TO BE ATTACHED TO THE COLLAR OR HARNESS OF THE VACCINATED DOG OR CAT A METAL TAG, SERIALY NUMBERED TO CORRESPOND WITH THE VACCINATION CERTIFICATE NUMBER, AND BEARING THE YEAR OF ISSUANCE AND THE NAME OF THE ISSUING VETERINARIAN AND HIS ADDRESS.

THE OWNER SHALL CAUSE THE COLLAR OR HARNESS, WITH THE ATTACHED METAL TAG, TO BE WORN BY HIS DOG OR CAT AT ALL TIMES.

4. DUPLICATE TAGS: IN THE EVENT OF LOSS OR DESTRUCTION OF THE ORIGINAL TAG PROVIDED IN SECTION II.3, THE OWNER OF THE DOG OR CAT SHALL OBTAIN A DUPLACATE TAG. VACCINATION CERTIFICATES (AND TAGS) SHALL BE VALID ONLY FOR THE ANIMAL FOR WHICH IT WAS ORIGINALLY ISSUED.

5. PROOF: IT SHALL BE UNLAWFUL FOR ANY PERSON WHO OWNS OR HARBORS A VACCINATED DOG OR CAT TO FAIL OR REFUSE TO EXHIBIT HIS COPY OF THE CERTIFICATE OF VACCINATION UPON DEMAND TO ANY PERSON CHARGED WITH THE ENFORCEMENT OF THIS ORDINANCE.

6. HARBORING UNVACCINATED ANIMALS: IT SHALL BE UNLAWFUL FOR ANY PERSON TO HARBOR ANY DOG OR CAT THAT HAS NOT BEEN VACCINATED AGAINST RABIES, AS PROVIDED HEREIN, OR THAT CANNOT BE IDENTIFIED AS HAVING A CURRENT VACCINATION CERTIFICATE.

7. ANIMALS EXPOSED TO RABIES: ANY PERSON HAVING KNOWLEDGE OF THE EXISTENCE OF ANY ANIMAL KNOWN TO HAVE BEEN, OR SUSPECTED OF BEING, EXPOSED TO RABIES MUST IMMEDIATELY REPORT SUCH KNOWLEDGE TO THE LOCAL HEALTH AUTHORITY, GIVING ANY INFORMATION THAT MAY BE REQUIRED. FOR ANY ANIMAL KNOWN TO HAVE BEEN, OR SUSPECTED OF BEING, EXPOSED TO RABIES, THE FOLLOWING RULES MUST APPLY.

- (a) ANIMALS HAVING A CURRENT VACCINATION MUST BE REVACCINATED IMMEDIATELY AND CONFINED ACCORDING TO THE METHOD PRESCRIBED BY THE LOCAL HEALTH AUTHORITY FOR A PERIOD OF NOT LESS THAN NINETY (90) DAYS.
- (b) ANIMALS NOT HAVING A CURRENT VACCINATION SHOULD BE HUMANELY DESTROYED. HOWEVER, IF THE OWNER OF SUCH AN ANIMAL ELECTS, HE MAY, AT HIS EXPENSE AND IN A MANNER PRESCRIBED BY THE LOCAL HEALTH AUTHORITY, CONFINE SAID ANIMAL. SUCH ANIMAL MUST BE VACCINATED IMMEDIATELY FOLLOWING EXPOSURE AND QUARANTINED FOR NOT LESS THAN SIX (6) MONTHS. A REVACCINATION SHALL BE DONE ONE (1) MONTH PRIOR TO RELEASE FROM QUARANTINE.

### SECTION III

#### REPORTING CASES OF HUMANS BITTEN BY ANIMALS SUSCEPTIBLE TO RABIES

RELATED PROCEDURES:

1. ANY PERSON HAVING KNOWLEDGE OF AN ANIMAL BITE TO A HUMAN WILL REPORT THE INCIDENT TO THE POLICE OR LOCAL HEALTH AUTHORITY AS SOON AS POSSIBLE, BUT NOT LATER THAN TWENTY-FOUR (24) HOURS FROM THE TIME OF THE INCIDENT.

2. THE OWNER OF THE BITING ANIMAL WILL PLACE THAT ANIMAL IN QUARANTINE UNDER THE SUPERVISION OF THE LOCAL HEALTH AUTHORITY AS PRESCRIBED IN SECTION 4.

3. UTILIZING STANDARDIZED REPORTING FORMS PROVIDED BY TDH, THE LOCAL HEALTH AUTHORITY WILL INVESTIGATE EACH BITE INCIDENT.

4. HUMAN BITES FROM RODENTS, RABBITS, BIRDS AND ALL COLD-BLOODED ANIMALS ARE EXCLUDED FROM THE REPORTING REQUIREMENTS OF THIS SECTION.

#### SECTION IV

##### QUARANTINE PROCEDURE FOR ANIMALS

1. WHEN A ANIMAL THAT HAS BITTEN A HUMAN IS IDENTIFIED, THE OWNER IS REQUIRED TO PRODUCE THE ANIMAL FOR TEN (10) DAYS CONFINEMENT AT THE OWNER'S EXPENSE. REFUSAL TO PRODUCE SAID DOG OR CAT OR OTHER ANIMAL CONSTITUTES A VIOLATION OF THIS SECTION AND EACH DAY OF SUCH REFUSAL CONSTITUTES A SEPARATE AND INDIVIDUAL VIOLATION. THE TEN (10) DAY OBSERVATION PERIOD WILL BEGIN ON THE DAY OF THE BITE INCIDENT. THE ANIMAL MUST BE PLACED IN THE ANIMAL CONTROL FACILITIES SPECIFIED FOR THIS PURPOSE, IF AVAILABLE. HOWEVER, THE OWNER OF THE ANIMAL MAY REQUEST PERMISSION FROM THE LOCAL HEALTH AUTHORITY FOR HOME QUARANTINE IF THE FOLLOWING CRITERIA CAN BE MET:

- (a) SECURE FACILITIES MUST BE AVAILABLE AT THE HOME OF THE ANIMALS'S OWNER, AND MUST BE APPROVED BY THE LOCAL HEALTH AUTHORITY.
- (b) THE ANIMAL IS CURRENTLY VACCINATED AGAINST RABIES.
- (c) THE ANIMAL CONTROL OFFICER, LOCAL HEALTH AUTHORITY OR LICENSED VETERINARIAN MUST OBSERVE THE ANIMAL AT LEAST ON THE FRIST AND LAST DAYS OF THE QUARANTINE PERIOD. IF THE ANIMAL BECOMES ILL DURING THE OBSERVATION PERIOD, THE LOCAL HEALTH AUTHORITY MUST BE NOTIFIED BY THE PERSON HAVING POSSESSION OF THE ANIMAL. AT THE END OF THE OBSERVATION PERIOD, THE RELEASE FROM QUARANTINE MUST BE ACCOMPLISHED IN WRITING.
- (d) THE ANIMAL WAS NOT IN VIOLATION OF ANY LAWS AT THE TIME OF THE BITE.
- (e) IF THE BITING ANIMAL CANNOT BE MAINTAINED IN SECURE QUARANTINE, IT SHALL BE HUMANELY DESTROYED AND THE BRAIN SUBMITTED TO A TDH CERTIFIED LABORATORY FOR RABIES DIAGNOSIS.

2. IT SHALL BE UNLAWFUL FOR ANY PERSON TO INTERRUPT THE TEN (10) DAY OBSERVATION PERIOD.

3. NO WILD ANIMAL WILL BE PLACED IN QUARANTINE. ALL WILD ANIMALS INVOLVED IN BITING INCIDENTS WILL BE HUMANELY KILLED IN SUCH A MANNER THAT THE BRAIN IS NOT MUTILATED. THE BRAIN SHALL BE SUBMITTED TO A TDH CERTIFIED LABORATORY FOR RABIES DIAGNOSIS.

## SECTION V

### ANIMAL REGISTRATION

1. NO OWNER SHALL HAVE WITHIN THE CITY ANY DOG OR CAT FOUR (4) MONTHS OF AGE OR OLDER UNLESS SUCH DOG OR CAT IS CURRENTLY REGISTERED WITH ANIMAL CONTROL. A CURRENT METAL REGISTRATION CERTIFICATE ISSUED BY ANIMAL CONTROL, OR A VETERINARIAN AUTHORIZED BY ANIMAL CONTROL TO ISSUE THE CERTIFICATE, MUST BE AFFIXED TO A COLLAR OR HARNESS THAT MUST BE WORN BY THE DOG OR CAT AT ALL TIMES. NO DOG OR CAT SHALL BE REGISTERED UNTIL IT HAS A CURRENT VACCINATION.

- (a) APPLICATION FOR INITIAL ISSUANCE OR RENEWAL OF EACH REGISTRATION MUST BE MADE BY THE OWNER IN WRITING OR IN PERSON, AND BE ACCOMPANIED BY A FEE OF TEN DOLLARS (\$10), IF THE CAT OR DOG BEING REGISTERED HAS BEEN NEUTERED OR SPAYED AND PROOF OF SUCH SURGICAL STERILIZATION CAN BE SHOWN TO AN ANIMAL CONTROL OFFICER OR A VETERINARIAN AUTHORIZED TO ISSUE SUCH REGISTRATIONS, THE FEE WILL THEN BE FIVE DOLLARS (\$5). DOGS AND CATS UNDER THE AGE OF ONE (1) YEAR SHALL BE REGISTERED AT THE STERILIZED FEE. ANIMALS MAY BE EXEMPT FROM THE STERILIZATION PROVISION UPON WRITTEN RECOMMENDATION FROM A VETERINARIAN THAT SUCH ALTERATION WOULD BE HARMFUL OR DANGEROUS TO THE ANIMAL.
- (b) REGISTRATION CERTIFICATES SHALL BE RENEWED ANNUALLY. THE REGISTRATION PERIOD WILL BE FROM JANUARY 1 TO DECEMBER 31. CERTIFICATES FOR THE NEW PERIOD SHALL BE AVAILABLE FOR SALE AT LEAST THIRTY (30) DAYS IN ADVANCE OF THE SIXTY (60) DAYS FOLLOWING JANUARY 1st AND SHALL CONSTITUTE A VALID REGISTRATION UPON ISSUANCE.
- (c) REGISTRATION AND/OR VACCINATION CERTIFICATES (AND TAGS) SHALL BE VALID ONLY FOR THE ANIMAL FOR WHICH IT WAS ORIGINALLY ISSUED.
- (d) IF THERE IS A CHANGE IN OWNERSHIP OF A REGISTERED DOG OR CAT, THE NEW OWNER MAY HAVE THE REGISTRATION TRANSFERRED TO HIS NAME. THERE SHALL BE NO CHARGE FOR SAID TRANSFER. APPLICATION FOR SUCH TRANSFER SHALL BE MADE TO ANIMAL CONTROL IN WRITING OR IN PERSON.
- (e) FEE EXEMPT REGISTRATIONS MAY BE ISSUED FOR THE FOLLOWING:

1. POLICE OR SHERIFF'S DEPARTMENT DOG; AND,  
2. DOGS TRAINED TO ASSIST THE AUDIO OR VISUALLY IMPAIRED PERSON.  
ELIGIBILITY FOR FEE-EXEMPT REGISTRATION DOES NOT RELIEVE THE OWNER OF HIS RESPONSIBILITY UNDER OTHER PROVISIONS OF THIS CHAPTER.

(f) VETERINARIANS AUTHORIZED BY ANIMAL CONTROL TO ISSUE ANIMAL REGISTRATION CERTIFICATES MAY RETAIN ONE DOLLAR (\$1.00) OF THE REGISTRATION FEE FOR EVERY ANIMAL REGISTERED IN ACCORDANCE WITH THIS ORDINANCE.

2. THE SUPERVISOR OF ANIMAL CONTROL MAY REFUSE TO REGISTER A CAT OR DOG, OR REVOKE A PERMIT ISSUED TO ANY PERSON WHO HAS BEEN CONVICTED IN ANY DULY AUTHORIZED COURT OF JURISDICTION IN THE STATE OF TEXAS, OR RESIDES WITH ANY PERSON SO CONVICTED OF ANY OF THE FOLLOWING:

(a) CRUELTY TO ANIMALS AS DEFINED IN THE TEXAS PENAL CODE, ARTICLE 42.11, INHUMANE TREATMENT, OR NEGLIGENCE TO AN ANIMAL; AND,

(b) CONVICTION OF FOUR (4) OR MORE SEPARATE AND DISTINCT VIOLATION OF AN ANIMAL CONTROL ORDINANCE OF A MUNICIPALITY IN THE STATE OF TEXAS WITHIN ANY TWELVE (12) MONTH PERIOD. ANY PERSON DENIED SUCH A REGISTRATION MAY APPEAL THE REFUSAL TO THE MUNICIPAL JUDGE.

THE MUNICIPAL JUDGE SHALL UPHOLD, OVERTURN, OR MODIFY THE SUPERVISOR OF ANIMAL CONTROL'S REFUSAL TO ISSUE A REGISTRATION CERTIFICATE.

3. EVERY PERSON HAVING CARE, CONTROL OR CUSTODY OF ANY DOG THAT HAS RECEIVED GUARD DOG TRAINING MUST REGISTER SUCH DOG WITH THE SUPERVISOR OF ANIMAL CONTROL. ANY DOG WHICH HAS RECEIVED GUARD DOG TRAINING MAY BE DESTROYED WHEN SUCH DOG IS FOUND RUNNING AT LARGE. THE OWNER OR KEEPERS OF GUARD DOGS SHALL BE SUBJECT TO THE OTHER PROVISIONS OF THIS SECTION. AN ID COLLAR IDENTIFYING THE DOG AS A GUARD DOG MUST BE WORN AT ALL TIMES AND THE DOG MUST WEAR A MUZZLE OUT OF CONFINEMENT.

#### SECTION VI

#### RUNNING AT LARGE

*A MENDED  
12/13/88*

1. IT SHALL BE UNLAWFUL FOR ANY DOG OR OTHER ANIMAL POSSESSED, KEPT, OR HARBORED, OTHER THAN A CAT, TO RUN AT LARGE AS IS DEFINED IN SECTION I.11 OF THIS ORDINANCE. }

2. THE ANIMAL CONTROL OFFICER IS AUTHORIZED TO IMPOUND SUCH ANIMALS RUNNING AT LARGE, OTHER THAN A CAT, AND MAY IMPOUND A CAT UNDER CONDITIONS SPECIFIED IN SECTION X OF THIS ORDINANCE, OR WHEN HE HAS RECEIVED A COMPLAINT THAT THE CAT HAS CAUSED A NUISANCE OR HAZARD TO THE HEALTH OR WELFARE OF HUMAN OR ANIMAL POPULATION.

## SECTION VII

### ANIMAL NUISANCE

1. THE KEEPING OF ANY ANIMAL, WHICH, BY CAUSING FREQUENT OR LONG CONTINUED BARKING, CRY OR NOISE THAT SHALL DISTURB ANY PERSON OF ORDINARY SENSIBILITIES IN THE VICINTIY IS PROHIBITED.
2. THE KEEPING OF ANY ANIMAL IN SUCH A MANNER AS TO ENDANGER THE PUBLIC HEALTH; TO ANNOY NEITHBORS BY THE ACCUMULATION OF ANIMAL WASTES WHICH CAUSE FOULL 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.
3. ANIMAL PENS, STABLES OR ENCLOSURES IN WHICH ANY ANIMAL MAY BE KEPT OR CONFINED THAT HAVE BECOME OFFENSIVE TO A PERSON OF ORDINARY SENSITIVITIES ARE PROHIBITED.
4. THE KEEPING OF BEES IN SUCH A MANNER AS TO DENY THE LAW-FUL USE OF ADJACENT PROPERTY OR ENDANGER PERSONAL HEALTH AND WEL-FARE IS PROHIBITED.
5. PERSISTENT LAXNESS IN SUPERVISION OF CATS SO THAT THEIR RUNNING AT LARGE RESULTS IN DISTURBANCE TO PERSONS OF ORDINARY SENSIBILITIES IS PROHIBITED.

## SECTION VIII

### PROHIBITED ANIMALS

1. 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; AND RABBITS UNDER TWO (2) MONTHS OLD; SALE OF SUCH ANIMALS FOR AG-RECLTURE PURPOSES IS EXEMPT FROM THIS PROVISION.
2. IT SHALL BE UNLAWFUL TO COLOR, DYE, STAIN, OR OTHERWISE CHANGE THE NATURAL COLOR OF ANY CHICKENS, DUCKLINGS, OTHER FOWL, OR RABBIT, OR TO POSSESS FOR THE PURPOSE OF SALE OR TO BE GIVEN AWAY, ANY OF THE ABOVE MENTIONED ANIMALS WHICH HAVE BEEN SO COLORED.
3. IT SHALL BE UNLAWFUL TO KEEP AND/OR SELL ANY WILD ANIMAL INSIDE THE CITY.

## SECTION IX

### VICIOUS ANIMALS

1. ANY VICIOUS ANIMAL FOUND RUNNING-AT-LARGE MAY BE DE-STROYED BY ANY PEACE OFFICER OF ANIMAL CONTROL OFFICER IN THE INTEREST OF PUBLIC SAFETY.
2. THE ANIMAL CONTROL OFFICER MAY ORDER ANY OWNER OR PERSON HAVING CARE, CONTROL, OR CUSTODY OF ANY VICIOUS ANIMAL TO TAKE SUCH ANIMAL PERMANENTLY FROM THE CITY. THIS ANIMAL MUST BE REMOVED IMMEDIATELY FOLLOWING RECEIPT OF SUCH AN ORDER, EVEN IF AN APPEAL IS INITIATED. THIS ORDER MAY BE APPEALED IN WRITING WITHIN TEN (10) DAYS TO THE MUNICIPAL JUDGE.

THE MUNICIPAL JUDGE MAY UPHOLD, REVERSE OR MODIFY THE ANIMAL CONTROL OFFICER'S ORDER, AND MAY STIPULATE RESTRICTIONS ON THE ANIMAL AS A CONDITION TO ALLOWING THE ANIMAL TO REMAIN IN THE CITY. IF THE MUNICIPAL JUDGE UPHOLDS THE ANIMAL CONTROL OFFICER'S ORDER, THE OWNER OR PERSON HAVING CARE, CONTROL, OR CUSTODY SHALL NOT BRING THE ANIMAL BACK INSIDE THE CITY LIMITS.

3. IF THE OWNER OR PERSON HAVING CARE, CUSTODY OR CONTROL OF A VICIOUS ANIMAL FAILS TO REMOVE SUCH ANIMAL AS PROVIDED FOR IN SUBSECTION 2 OF THIS SECTION, SUCH ANIMAL MAY BE IMPOUNDED AND/OR DESTROYED.

4. THE OWNER OR PERSON HAVING CARE, CUSTODY OR CONTROL OF A VICIOUS ANIMAL MUST REPORT THE DISPOSITION AND RELOCATION OF SUCH ANIMAL TO THE ANIMAL CONTROL OFFICER IN WRITING WITHIN TEN (10) DAYS AFTER THE EXPIRATION DATE FOR REMOVAL OF SUCH ANIMAL FROM THE CITY. EACH DAY THEREAFTER SUCH INFORMATION IS NOT PROVIDED SHALL CONSTITUTE A SEPARATE OFFENSE.

5. THE ANIMAL CONTROL OFFICER SHALL BE AUTHORIZED TO OBTAIN A SEARCH AND SEIZURE WARRANT IF THERE IS REASON TO BELIEVE THAT AN ANIMAL ORDERED REMOVED FROM THE CITY FOR BEING VICIOUS HAS NOT BEEN SO REMOVED.

## SECTION X

### IMPOUNDMENT

1. THE FOLLOWING ANIMALS MAY BE IMPOUNDED:

- (a) CATS AND DOGS NOT EXHIBITING EVIDENCE OF BEING VACCINATED OR REGISTERED AS DESCRIBED IN SECTION V;
- (b) ANY ANIMAL INFECTED WITH RABIES OR KEPT UNDER CONDITIONS THAT COULD ENDANGER THE PUBLIC OR ANIMAL HEALTH;
- (c) ANY ANIMAL THAT CREATES A NUISANCE, AS DEFINED IN SECTION VII;
- (d) ANY ANIMAL FOUND RUNNING-AT-LARGE, AS DESCRIBED IN SECTION VI;
- (e) ANY ANIMAL TREATED IN A MANNER DETERMINED BY AN ANIMAL CONTROL OFFICER TO BE CRUEL AND INHUMANE;
- (f) ANY ANIMAL THAT HAS BITTEN A HUMAN BEING OR NEEDS TO BE PLACED UNDER OBSERVATION FOR RABIES DETERMINATION, AS DETERMINED BY AN ANIMAL CONTROL OFFICER;
- (g) ANY ANIMAL VIOLATING ANY PROVISIONS OF THIS ORDINANCE.

2. IF ANY OF THE ANIMALS NAMED IN THIS ORDINANCE ARE FOUND UPON THE PREMISES OF ANY PERSON, THE OWNER OR OCCUPANT OF THE PREMISES SHALL HAVE THE RIGHT TO CONFINE SUCH ANIMAL IN A HUMANE MANNER UNTIL HE CAN NOTIFY AN ANIMAL CONTROL OFFICER TO RETRIEVE THE ANIMAL FOR IMPOUNDMENT. WHEN SO NOTIFIED, IT SHALL BE THE DUTY OF THE ANIMAL CONTROL OFFICER TO IMPOUND SUCH ANIMAL AS HEREIN PROVIDED.

3. REASONABLE EFFORT SHALL BE MADE BY AN ANIMAL CONTROL OFFICER TO CONTACT THE OWNER OF ANY ANIMAL IMPOUNDED THAT IS WEARING A CURRENT REGISTRATION TAG; HOWEVER, FINAL RESPONSIBILITY FOR LOCATION OF AN IMPOUNDED ANIMAL IS THAT OF THE OWNER.

4. THE OWNER CAN RESUME POSSESSION OF ANY IMPOUNDED ANIMAL UPON PAYMENT OF IMPOUNDMENT FEES, HANDLING FEES AND ANY VETERINARIAN BILLS INCURRED BY ANIMAL CONTROL FOR THE WELFARE OF THE ANIMAL, AND UPON COMPLIANCE WITH VACCINATION AND REGISTRATION PROVISIONS OF THIS CODE, EXCEPT WHERE PROHIBITED IN SUBSECTION 5 AND 6 OF THIS SECTION.

5. DISPOSITION OF ANIMALS IMPOUNDED ON THE GROUNDS OF CRUEL OR INHUMANE TREATMENT SHALL BE DETERMINED BY THE COURT OF JURISDICTION.

6. IF ANY ANIMAL IS BEING HELD IN QUARANTINE OR OBSERVATION FOR RABIES, THE OWNER SHALL NOT BE ENTITLED TO POSSESSION UNTIL IT HAS BEEN RELEASED FROM QUARANTINE.

7. THE PROSPER CITY COUNCIL SHALL SELECT AND ESTABLISH A PLACE FOR IMPOUNDING ANIMALS UNDER ANY PROVISIONS OF THIS ORDINANCE.

8. ANY ANIMAL NOT RECLAIMED BY THE OWNER MAY BE HUMANELY EUTHANATIZED AFTER BEING IMPOUNDED FOR THREE (3) WORKING DAYS, EXCEPT THAT ANY ANIMAL WEARING A CURRENT REGISTRATION CERTIFICATE TAG SHALL BE IMPOUNDED FOR NOT LESS THAN SIX (6) DAYS.

9. ANY IMPOUNDED VICIOUS OR WILD ANIMAL, UNLESS THERE IS REASON TO BELIEVE IT HAS AN OWNER, MAY BE IMMEDIATELY DISPOSED OF AS MAY BE DEEMED APPROPRIATE BY THE SUPERVISOR OF ANIMAL CONTROL.

10. ANY NURSING BABY ANIMAL IMPOUNDED WITHOUT ITS MOTHER, OR WHERE THE MOTHER CANNOT OR REFUSES TO PROVIDE NUTRITIOUS MILK, MAY BE IMMEDIATELY EUTHANATIZED TO PREVENT FURTHER SUFFERING.

11. ANY IMPOUNDED DOG OR CAT NOT WEARING A REGISTRATION CERTIFICATE TAG MAY BE GIVEN UP FOR ADOPTION AFTER THREE (3) WORKING DAYS OF IMPOUNDMENT, EXCEPT THOSE UNDER QUARANTINE. ANY IMPOUNDED DOG OR CAT WEARING A CURRENT REGISTRATION TAG MAY BE GIVEN UP FOR ADOPTION ON THE SEVENTH (7th) DAY OF CONFINEMENT.

12. AN OWNER WHO NO LONGER WISHES RESPONSIBILITY FOR AN ANIMAL, OR BELIEVES THE ANIMAL TO BE IN AN ILL OR INJURED CONDITION MAY SIGN A WRITTEN WAIVER SUPPLIED BY ANIMAL CONTROL ALLOWING THE ANIMAL TO BE IMMEDIATELY EUTHANATIZED IN A HUMANE MANNER, PROVIDING THAT NO WARM-BLOODED ANIMAL THAT HAS BITTEN A HUMAN BEING SHALL BE EUTHANATIZED BEFORE EXPIRATION OF THE TEN (10) DAY QUARANTINE PERIOD.

13. ANY IMPOUNDED ANIMAL THAT APPEARS TO BE SUFFERING FROM EXTREME INJURY OR ILLNESS MAY BE EUTHANATIZED OR GIVEN TO A NON-PROFIT HUMANE ORGANIZATION FOR THE PURPOSE OF VETERINARY CARE, AS DETERMINED BY THE SUPERVISOR OF ANIMAL CONTROL.

## SECTION XI

### IMPOUNDMENT FEES

1. CLASS A: DOGS AND CATS. IMPOUNDMENT FEES FOR EACH DOG OR CAT SPAYED OR NEUTERED (STERILIZED) SHALL BE AS FOLLOWS:

1st IMP. in 12 mos.	2nd IMP. in 12 mos.	3rd IMP. in 12 mos.	4th IMP. in 12 mos.
\$10.00	\$15.00	\$20.00	\$25.00

IMPOUNDMENT FEES FOR EACH DOG OR CAT UNSPAYED OR UNNEUTERED (IF PROOF OF SURGICAL STERILIZATION IS PROVIDED WITHIN FIFTEEN (15) DAYS FROM THE DATE AN ANIMAL IS IMPOUNDED, THE DIFFERENCE IN IMPOUNDMENT AND OTHER FEES BETWEEN STERILIZATION AND UN-STERILIZATION WILL BE REFUNDED), SHALL BE AS FOLLOWS:

1st IMP. in 12 mos.	2nd IMP. in 12 mos.	3rd IMP. in 12 mos.	4th IMP. in 12 mos.
\$25.00	\$30.00	\$40.00	\$50.00

DOGS AND CATS UNDER THE AGE OF ONE (1) YEAR SHALL BE CHARGED THE STERILIZED ANIMAL FEE. ANIMALS MAY BE EXEMPTED FROM STERILIZATION UPON WRITTEN RECOMMENDATION FROM A LICENSED VETERINARIAN THAT SUCH ALTERNATIVES WOULD BE HARMFUL OR DANGEROUS TO THE ANIMAL. OWNER OF THESE ANIMALS ARE TO BE SUBJECT TO THE LOWER IMPOUNDMENT FEE.

2. CLASS B: SMALL LIVESTOCK SHALL INCLUDE GOATS, SHEEP, LAMBS, SWINE, CALVES, FOALS AND ANIMALS OF THE SAME APPROXIMATE SIZE AND WEIGHT. FEES SHALL BE SET BY THE COUNTY IN ACCORDING WITH THE TEXAS ESTRAY ACT.

3. CLASS C: LARGE LIVESTOCK SHALL INCLUDE CATTLE, HORSES, PONIES, MULES AND ANIMALS OF THE SAME APPROXIMATE SIZE AND WEIGHT. FEE SHALL BE SET BY THE COUNTY IN ACCORDANCE WITH THE TEXAS ESTRAY ACT.

4. CLASS D: ANIMALS NOT LISTED HEREIN ABOVE SHALL BE DISPOSED OF AT THE DISCRETION OF THE ANIMAL CONTROL DIVISION.

5. A DAILY HANDLING FEE SHALL BE CHARGED FOR EVERY DAY, OR FRACTION THEREOF, THAT AN ANIMAL IS AT THE ANIMAL SHELTER. SAID FEE SHALL BE BASED UPON THE CLASS OF ANIMAL ENUMERATED IN (A) ABOVE. CLASS A ANIMALS SHALL BE CHARGED THREE DOLLARS (\$3.00) PER DAY PER ANIMAL AND CLASS D ANIMALS SHALL BE CHARGED FIVE DOLLARS (\$5.00) PER DAY PER ANIMAL. (CLASS B AND CLASS C ANIMALS ARE IMPOUNDED BY THE COUNTY IN ACCORDANCE WITH THE TEXAS ESTRAY ACT).

6. THE OWNER OF ANY CLASS A ANIMAL HELD IN QUARANTINE FOR OBSERVATION PURPOSES SHALL BE CHARGED FIVE DOLLARS (\$5.00) FOR EACH DAY OR FRACTION OF A DAY AN ANIMAL IS AT THE ANIMAL SHELTER. THE OWNER OF A CLASS D ANIMAL SHALL BE CHARGED TEN DOLLARS (\$10.00) FOR EACH DAY OR FRACTION OF A DAY THE ANIMAL IS QUARANTINED AT THE ANIMAL SHELTER. THIS IS IN ADDITION TO IMPOUNDMENT AND DAILY HANDLING FEES.

## SECTION XII

### ADOPTION

1. ADOPTING OF A DOG OR CAT FROM THE ANIMAL SHELTER MAY TAKE PLACE UNDER FOR FOLLOWING CONDITIONS:

(a) THE ANIMAL HAS BEEN CLASSIFIED AS ADOPTABLE BY THE ANIMAL CONTROL OFFICER;

(b) THE PROSPECTIVE ADOPTER CAN MEET ALL OF THE ADOPTION GUIDELINES AS SET FORTH BY THE COLLIN COUNTY HUMANE SOCIETY;

(c) THE PROSPECTIVE ADOPTER OBTAINS ALL NECESSARY VACCINATION, REGISTRATION AND STERILIZATION; AND,

(d) THE PROSPECTIVE ADOPTER PAYS THE ADOPTION FEE OF \$30.00 FOR A DOG OR \$15.00 FOR A CAT PER ANIMAL. PLUS A STERILIZATION DEPOSIT OF \$25.00 FOR A DOG OR \$10.00 FOR A CAT PER ANIMAL. UPON PROOF OF VACCINATION AND STERILIZATION SAID DEPOSIT WILL BE REFUNDED BY THE COLLIN COUNTY HUMANE SOCIETY.

(e) THE SUPERVISOR OF ANIMAL CONTROL SHALL REFUSE TO ALLOW A PERSON TO ADOPT A DOG OR CAT FROM THE ANIMAL SHELTER WHEN THE SUPERVISOR HAS REASON TO BELIEVE THAT PERSON WOULD BE NOT ABLE TO OBTAIN A REGISTRATION CERTIFICATE UNDER THIS ORDINANCE, WOULD NOT HAVE PROPER FACILITIES FOR CARE OF THE ANIMAL, WANTS THE ANIMAL FOR PURPOSES OF RESALE OR PURPOSES OTHER THAN PET OWNERSHIP, WOULD NOT BE SUITABLE OWNER WITHIN THE SOLE DISCRETION OF THE SUPERVISOR OF ANIMAL CONTROL, OR THAT THE ANIMAL WOULD BE A HAZARD TO HUMANS OR OTHER ANIMALS IN THE OPINION OF THE SUPERVISOR OF ANIMAL CONTROL.

## SECTION XIII

### PAYMENT OF IMPOUNDMENT FEES

1. EVERY OWNER OF A ANIMAL IMPOUNDED BY THE ANIMAL CONTROL OFFICER OR VOLUNTARILY IMPOUNDED BY THE OWNER, SHALL BE LIABLE FOR ALL COSTS AND FEES INCURRED BY SUCH IMPOUNDMENT.

## SECTION XIV

### PENALTY AND SEVERABILITY

1. PENALTY: IT SHALL BE UNLAWFUL FOR ANY PERSON OWNING OR HARBORING ANY ANIMAL TO ALLOW OR TO PERMIT SUCH ANIMAL TO RUN, OR TO BE AT-LARGE WITHIN THE CITY LIMITS. THE DESIGNATED REPRESENTATIVE OF THE CITY MAY CITE ANY OWNER PERMITTING A ANIMAL TO RUN-AT-LARGE, AND THE SAID OWNER IF CONVICTED IN MUNICIPAL COURT, SHALL BE FINED NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00).

2. SEVERABILITY: IT IS HEREBY DECLARED TO BE THE INTENTION OF THE CITY COUNCIL THAT IF ANY OF THE SECTIONS, PARAGRAPHS, SENTENCES, CLAUSES, AND PHRASES OF THIS ORDINANCE SHALL BE DECLARED UNCONSTITUTIONAL OR INVALID BY THE VALID JUDGEMENT OR DECREE OF ANY COURT OF COMPETENT JURISDICTION, SUCH UNCONSTITUTIONALITY OR INVALIDITY SHALL NOT AFFECT ANY OF THE REMAINING SECTIONS, PARAGRAPHS, SENTENCES, CLAUSES AND PHRASES OF THIS ORDINANCE, SINCE THE SAME WOULD HAVE BEEN ENACTED BY THE CITY COUNCIL WITHOUT THE INCORPORATION OF THIS ORDINANCE OF UNCONSTITUTIONAL OR INVALID SECTIONS, PARAGRAPHS, SENTENCES, CLAUSES AND PHRASES.

#### SECTION XV

##### LIVESTOCK

IT SHALL BE UNLAWFUL FOR ANY PERSON TO KEEP ANY SWINE WITHIN THE CITY LIMITS.

#### SECTION XVI

##### ENFORCEMENT

1. ENFORCEMENT OF THIS ORDINANCE SHALL BE THE RESPONSIBILITY OF THE LOCAL HEALTH AUTHORITY OR AN ANIMAL CONTROL OFFICER.

2. THE LOCAL HEALTH AUTHORITY OR ANIMAL CONTROL OFFICER SHALL HAVE THE AUTHORITY TO ISSUE CITATIONS FOR ANY VIOLATION OF THIS ORDINANCE.

3. IF THE PERSON BEING CITED IS NOT PRESENT, THE LOCAL HEALTH AUTHORITY OR ANIMAL CONTROL OFFICER MAY SEND THE CITATION TO THE ALLEGED OFFENDER BY REGISTERED OR CERTIFIED MAIL.

4. IT SHALL BE UNLAWFUL FOR ANY PERSON TO INTERFERE WITH THE LOCAL HEALTH AUTHORITY OR ANIMAL CONTROL OFFICER IN THE PERFORMANCE OF DUTIES.

5. THE LOCAL HEALTH AUTHORITY AND ANIMAL CONTROL OFFICER ARE GIVEN THE RIGHT TO GO ONTO ANY PRIVATE PROPERTY IN THE CITY OF PROSPER FOR THE PURPOSE OF DETERMINING WHETHER OR NOT ANY PROVISION OF THIS ORDINANCE HAS BEEN VIOLATED AND TO IMPOUND ANY ANIMAL KEPT OR HARBORED IN VIOLATION OF ANY TERMS OF THIS ORDINANCE.

#### SECTION XVII

##### REPEALS

ALL ORDINANCES OR PARTS OF ORDINANCES FOUND TO BE IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT OF SUCH CONFLICT.

SECTION XVIII

PUBLICATION AND EFFECTIVE DATE

THE CAPTION OF THIS ORDINANCE SHALL BE PUBLISHED ONE (1) TIME IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE CITY OF PROSPER, TEXAS, AND SHALL BECOME EFFECTIVE UPON APPROVAL DATE.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE  
CITY OF PROSPER, TEXAS, ON THIS THE 14th DAY OF JUNE, 1988.

APPROVED J. K. Mulledine  
MAYOR

ATTEST Shirley Jackson  
CITY SECRETARY