

**CITY OF GATESVILLE, TEXAS
ORDINANCE 2026-18**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 6 – “ANIMALS”; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Gatesville, Texas (the “City”), is a home rule municipality located in Coryell County, Texas, created under the provisions of Chapter 9 of the Texas Local Government Code and operating according to the enabling legislation of the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code Chapter 51, the City has general authority to adopt ordinances and regulations that are for the good government, peace, or order of the City and that are necessary or property for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds and determines that the regulations provided herein are reasonable and necessary for the public health, safety and welfare of the City.

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

SECTION 1. The City of Gatesville Code of Ordinances is hereby amended by amending Chapter 6 “Animals” to read in its entirety as follows:

CHAPTER 54 – ANIMALS

ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggressive dog means a dog that:

(A) Makes an unprovoked attack on another domestic animal that causes bodily injury to that animal and occurs in a place other than an enclosure in which the dog was being kept;

(B) On more than one occasion, when unprovoked, bites one or more persons who were lawfully inside the dog’s enclosure;

(C)) Repeatedly attempts, successfully or unsuccessfully, to climb over, dig under, chew through, break or otherwise escape from its enclosure in an attempt to attack, chase, or harass a person or another domestic animal;

(D) Commits unprovoked acts in an enclosure in which the dog was being kept, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to the person; or

(E) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to another domestic animal.

Animal.

Domestic animals means those animals which are naturally tame and gentle or which by long association with man have become thoroughly domesticated and are now reduced to such a state of subjection to his will that they no longer possess a disposition or inclination to escape and can be vaccinated against rabies. The term "domestic animal" does not include wild animals or livestock.

Fowl means chickens, ducks, geese, turkeys, guineas, peacocks, pheasants, and other normally undomesticated fowl.

Livestock means animals typically found on farms and ranches and generally kept for work, breeding, sale or human consumption. The term "livestock" does not include domestic animals.

Wild animals means those animals of a wild nature or disposition so as to require to be reclaimed and made tame by art, industry or education or else must be kept in confinement to be brought within the immediate control of the owner. The term "wild animal" does not include domestic animals or livestock.

Animal advisory committee means the advisory committee composed of at least one licensed veterinarian, one city official, one person whose duties include the daily operation of the animal shelter, and one representative from an animal welfare organization or humane society.

Animal control officer means the person designated by the chief of police to represent and act for the city in controlling animals running at-large, the impoundment of animals and the enforcement of other animal control ordinances and statutes within the city.

At-large means an animal not under restraint.

Bodily injury means Physical pain, illness, or any impairment of physical condition.

Cat means A commonly domesticated member of the feline family, other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar, or other prohibited animal.

Cat colony means a colony of feral, homeless, stray, wild or untamed cats that has been registered with the city and is maintained by a cat colony manager.

Community cat means a free-roaming cat, that may or may not be feral, who may be cared for by one or more residents of the immediate area who is/are known or unknown.

Community cat caregiver means a person who, in accordance with and pursuant to a policy of trap-neuter-return, provides care, including food, shelter, or medical care to a community cat,

while not being considered the owner, harborer, controller, or keeper of a community cat. To be classified as a community cat caregiver, a person must be registered with the City of Gatesville.

Dangerous dog means a dog that:

(A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(B) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Dog means A commonly domesticated member of the canine family, other than a wolf, jackal, fox, dingo, coyote, or other prohibited animal.

Ear tip means the removal of the distal one-quarter of a community cat's left ear, which is approximately three-eighths inch, or one cm, in an adult and proportionally small in a kitten. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under supervision of a licensed veterinarian. Ear tips are designed to identify a communitycat as being sterilized and lawfully vaccinated for rabies.

Feral cat manager means a person who provides food and water to a cat colony.

Fowl means A bird of any kind.

Humane manner means care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

Kennel permit means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, adoption, or selling dogs or cats.

~~***Multiple pet ownership permit*** means no more than the maximum number of animals allowed shall be kept or harbored at any one residential dwelling without a multiple pet ownership permit.~~

Nuisance means an animal that: damages private or public property which property is not under the control of its owner; causes unsanitary, dangerous or offensive conditions; causes a disturbance by excessive barking or other noisemaking; or molests, attacks or interferes with persons or other animals on public property or private property which property is not under the control of its owner.

Owner means a person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person or who has an animal under restraint.

Pet means any animal kept for pleasure or companionship rather than utility or as a service or emotional support animal.

Prohibited Animal.

Any wild or exotic animal or any animal not normally born and raised in captivity, including, but not limited to, the following:

(A) A dangerous wild animal as defined by Section 822.101 of Texas Health and Safety Code, as amended;

(B) Reptiles: venomous lizards, venomous snakes, crocodiles, alligators, caimans, and gharials; Except common Tortoises and Turtles

(C) Mammals:

- (1) Felines (such as lions, tigers, bobcats, jaguars, pumas, cougars), except commonly domesticated cats;
- (2) Canines (such as wolves, dingos, coyotes, foxes, and jackals and any hybrid of a canine, including hybrids of canines and commonly domesticated dogs), except commonly domesticated dogs;
- (3) Mustelids (such as weasels, skunks, martins, minks, badgers, and otters), except ferrets;
- (4) Procyonids (such as raccoons and coati);
- (5) Bears;
- (6) Marsupials (such as kangaroos, opossums, koala bears, wallabies, bandicoots, and wombats);
- (7) Bats
- (8) Sloths, anteaters, armadillos, and related species;
- (9) Elephants;
- (10) Primates (such as monkeys, chimpanzees, orangutans, and gorillas);
- (11) Rodents (such as beavers and porcupines), except commonly domesticated rodents kept as pets including hamsters, gerbils, guinea pigs, rats, mice, and chinchillas; and
- (12) Amphibians: poisonous frogs.

This term does not include livestock, fowl, or normal household pets, such as, but not limited to, dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small, non-poisonous reptiles, snakes, or amphibians.

Properly fitted collar means a collar that measures the circumference of an animal's neck plus at least one inch.

Properly fitted harness means a harness that is of adequate size, design, and construction as appropriate for an animal's size and weight.

Repeatedly at large animal means an animal that is at large more than four times in a one-year period.

Restraint means an animal that is fenced, caged, housed or is secured by a leash or lead under the control of a person who prevents the animal from violating any provision of this chapter.

Shelter-neuter-return means the involvement of the shelter in trap-neuter-return program with feral cats impounded in the shelter, to include, sterilizing, vaccinating for rabies, ear tipping and/or microchipping, and returning to their environment.

State law means Texas Health and Safety Code ch. 826 and 25 Texas Administrative Code chapter 169, zoonosis control (25 Texas Admin. Code §§ 169.21 to 169.34), adopted by the executive commissioner of the health and human services commission on behalf of the department of state health services as currently adopted and as they may be amended in the future, plus any other state statutes or regulation adopted pursuant to state statutes.

Sterilized means rendered permanently incapable of reproduction.

Trap-neuter-return means the process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping and /or microchipping and returning feral cats to their original location.

Unprovoked means an action by an animal that is not:

(A) In response to being tormented, abused, or assaulted by any person;

(B) In response to pain or injury;

(C) In protection of itself or its food, kennel, immediate territory, or nursing offspring; or

(D) In response to an assault or attempted assault on any person.

Veterinarian. Any person duly licensed to practice veterinary medicine by the Texas State Board or Veterinary Medical Examiners.

(Code 2013, § 3-1; Ord. No. 2022-08, § 1, 11-15-2022)

Sec. 6-2. Impoundment and miscellaneous fees.

Impoundment fees and other miscellaneous fees are as provided in chapter 18.

(Code 2013, § 3-2)

Sec. 6-3. Exemptions.

A law enforcement agency or correctional facility having animals within the city is exempt from the requirements of this chapter.

(Code 2013, § 3-3)

Sec. 6-4. Culpable mental state not required.

Unless specifically provided in this chapter, an offense under this chapter shall not require a culpable mental state. It is the intent of this chapter to impose strict liability for any violation of this chapter.

(Code 2013, § 3-4)

State law reference(s) Elimination of culpable mental state, Texas Penal Code § 6.02(f).

Sec. 6-5. Impoundment.

(A) Any peace officer or animal control officer of the City of Gatesville police department may take up and impound any animal found in violation of this chapter.

(B) Immediately upon impounding an animal, the animal control or peace officer shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained.

(C) In the event that a peace officer or animal control officer finds an animal to be suffering, he shall have the right forthwith to remove or cause to have removed any such animal to a safe place for care at the owner's expense or to euthanized them when necessary to prevent further suffering. The owner shall make full payment for all expenses so incurred.

(D) The City is authorized to give impounded animals appropriate immunizations, administer any parasite treatment, and perform any other medical procedure or treatment a veterinarian recommends or determines is necessary.

(E) If the City has paid for veterinary care for an impounded animal, the animal may not be released to its owner unless the owner reimburses the City for the cost of the veterinary care regardless of whether an owner has paid a reclamation, impoundment, or quarantine fee or any other costs or fees imposed under the chapter.

(Code 2013, § 3-8)

Sec. 6-6. Redemption.

(A) The owner of any animal not affected with a contagious disease and impounded under the provisions of this chapter and not alleged to be a vicious animal may redeem the same before it is sold or otherwise disposed of by paying the poundage fees as set out by resolution of the city council, from time to time, and paying any fine assessed for each violation of this chapter.

(B) Payment of impoundment fees and costs shall be in addition to any fine, penalty, animal shelter fee that may be assessed. Failure to redeem any animal shall not reduce liability of the owner for payment of all fines assessed under this chapter.

(C) No animal required to be vaccinated under this chapter may be redeemed until provision for such vaccination have been fulfilled.

(D) Animals not claimed by their owners within three business days shall become the property of the city police department.

(E) For computation purposes of the above charges, each day shall begin at 12:01 a.m. The full fee shall be charged when the animal is kept for any portion of any day.

(F) The animal control facility is not open to the general public. Any owners wanting to reclaim their animal from impound, or any person wanting to adopt an animal from the animal shelter, must first contact the city police department.

(Code 2013, § 3-19)

Sec. 6-7. Adoption.

An adoption fee established by the city shall be assessed at the time of adoption. No dog or cat shall be released for adoption as a pet without being sterilized or without a written agreement from the adopter guaranteeing that the animal will be sterilized. Vaccination fees, licensing fees, and veterinarian costs shall be assessed above and beyond the adoption fee.

Refusal of Adoption

(A) Animal Services may refuse to release any animal for adoption for any reason, including, but not limited to, any of the following reasons:

- (1) The prospective adopter or adoption agency has previously violated a provision of the chapter or has been convicted of animal cruelty or dogfighting;
- (2) The prospective adopter or adoption agency has inadequate or inappropriate facilities for confining the animal or is unable to provide proper care to the animal as required by this chapter; or
- (3) Animal Services determine that the health, safety, or welfare of the animal or of the public would be endangered by allowing the adoption.

(Code 2013, § 3-20)

Sec. 6-8. Prohibited animals.

Any or all animals, including but not limited to, venomous reptiles, non-venomous reptiles over six feet in length, alligators, crocodiles, caimans, elephants, rhinoceroses, skunks, raccoons, nonhuman primates, foxes, coyotes, bats, wolves, bears, or any hybrid of these listed animals are prohibited in the city limits. Any individual species and/or subspecies of the following animals are also prohibited animals for the purposes of this chapter: antelope, lions, tigers, ocelots, cougars, leopards, cheetahs, jaguars, hyenas, bears, bobcats, lesser pandas, ferrets born in natural habitats, binturong, ostriches, emus, apes or such other nondomestic species of animal not common to this area. The city manager, for good cause, may waive the provisions of this section.

(Code 2013, § 3-7)

Sec. 6-9. Owner responsibility.

- (A) All animals shall be kept under restraint by the owner.
- (B) No animal shall be allowed to cause a nuisance.
- (C) The owner of every animal shall be held responsible for every behavior of such animal.

(Code 2013, § 3-18)

Sec. 6-10. Animals running at-large prohibited.

It shall be unlawful for any person owning or keeping any animal to suffer or permit such animal to run at-large upon the public streets, avenues, alleys, parks or other public property of the city, or to suffer or permit any animal to run at-large or go upon any premises owned or in the possession of any other person in the city without the permission of such other person.

Restraint; animals at large

- (A) All owners must keep their animals under physical restraint except as otherwise provided by this section.
- (B) An animal not under restraint is at large, except if the animal is:

(1) On the premises of its owner's property, and is under the immediate personal supervision and the control of a responsible person and obedient to that person's commands;

(a) It is an exception to the supervision and control requirements of Subsection (B)(1), above, if the animal is a cat and is on the premises of its owner:

(C) Wearing a functioning electronic collar and is under the control of a responsible person and obedient to that person's commands;

(D) Accompanied by its owner or trainer at a animal show, field trail, or exhibition;

(E) A service animal in the performance of its duty under the Americans with Disabilities Act of 1990, 42 U.S.C.S. § 12101 et seq. as amended and is under the immediate control of a responsible person and obedient to that person.

(Code 2013, § 3-9)

Sec. 6-11. Tying or staking.

It shall be unlawful for any animal to be tied or staked upon any open or unfenced lot or land in a manner which allows the animal to come within ten feet of any street, park or other public land or within ten feet of any sidewalk, public passageway or building. An animal tied or staked in violation of this section shall be considered at-large in violation of this chapter.

Tethering of dogs.

(A) It is unlawful for a person to use a chain, rope, tether, leash, or other like device to attach a dog to a stationary object or trolley system (hereinafter called "tethering") except as provided by this section.

(B) A person may tether a dog in the following circumstances:

(1) During a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity;

(2) If tethering is required to protect the safety or welfare of a person or the dog and the owner maintains immediate control of the dog;

(3) In the immediate control of the owner in a public park; or

(4) On the owner's property, if the dog is tethered in such a way as to prevent the dog from:

(a) advancing to within fifteen (15) feet of the edge of any public right of way; and

(b) moving outside of the owner's property.

(C) If a dog is lawfully tethered as provided by Subsection (b)(4), the following conditions must be met:

(1) The rope, tether, leash, cable, or other like device used to tether:

(a) Must be attached to a properly fitted collar or harness worn by the dog;

(b) Must not be used with a pinch-type, prong-type, or choke-type collar;

(c) Must not be placed directly around the dog's neck;

- (d) Must have a length: (i) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; (ii) 10 feet, whichever is greater;
 - (e) Must not exceed one twentieth of the dog's body weight;
 - (f) Must not be in an unsafe condition;
 - (g) Must not cause injury to the dog; and
 - (h) Must allow the dog, by design and placement, a reasonable and unobstructed range of motion without entanglement;
- (2) The dog must have access to adequate shelter, dry ground, shade from direct sunlight, and clean water
- (3) The dog must not be tethered outside in extreme weather conditions, including, but not limited to. Conditions in which:
- (a) The actual or effective outdoor temperature is below 32 degrees Fahrenheit or;
 - (b) a heat advisory has been issued by a local or state authority or jurisdiction or;
 - (c) a hurricane, tropical storm, severe thunderstorm warning or tornado warning has been issued for the jurisdiction by the National Weather Service;
- (4) if the dog is female, the dog must not be in heat; and
- (5) the dog must not be sick or injured.

(D) A person commits an offense if they do not comply with all applicable provisions of this section.

(Code 2013, § 3-12)

Sec. 6-12. Quarantine of animals.

(A) The local rabies control authority or a veterinarian shall quarantine or test in accordance with state law any animal that the local rabies control authority or veterinarian has probable cause to believe is rabid, may have been exposed to rabies, or may have exposed a person to rabies.

(B) An animal reasonably believed to have bitten, clawed or scratched a person shall be quarantined or tested in accordance with state law. The owner of such animal shall immediately notify the animal control department and fully cooperate with all reasonable precautionary procedures.

(C) The local rabies control authority will determine the quarantine method and facility following state law.

(D) If the animal becomes ill during the observation period, the local rabies control authority must be notified by the person having possession of the animal.

(E) Upon the demand made by the animal control department, a person commits an offense if the person fails to surrender any animal which has bitten, clawed or scratched a human or another animal which is reasonably believed to have bitten, clawed or scratched a human, or which is suspected of having been exposed to rabies, for quarantine.

(F) The quarantined animal may be reclaimed by the owner if adjudged free of rabies, upon payment of any fees associated with quarantine or testing, and upon compliance with the vaccination provisions of this chapter.

(G) The veterinarian or local rabies control authority may keep, grant, or destroy an animal if the owner or custodian does not take possession of the animal before the fourth day following the final day of the quarantine period.

(Code 2013, § 3-13)

~~Sec. 6-13. Penalties.~~

~~(a) A person commits an offense if the person violates or attempts to violate any portion or provision contained in this chapter.~~

~~(b) Any person adjudged guilty of an offense under this chapter shall be guilty of a class C misdemeanor. Each day that a violation continues shall constitute a separate offense.~~

~~(Code 2013, § 3-5)~~

State law reference(s) Penalty for ordinance violations, Texas Local Government Code § 54.001; class C misdemeanors, Texas Penal Code § 12.23.

~~Secs. 6-14—6-44. Reserved.~~

Sec. 6-13. Pens and Enclosures. Sanitary requirements; minimum cage size; overcrowding

(A) An owner of any animal must maintain and keep all animal cages, pens, coops, kennels, fenced – in areas, and other enclosures of any kind in a sanitary condition. The owner must:

(1) Promptly dispose of all animal wastes;

(2) Keep the enclosures clean and free from noxious odors; and

(3) Keep the enclosures free of flies, mosquitoes, ticks, fleas, and other vectors as feasible

(B) Cages, pens, coops, kennels, fenced-in areas, and other enclosures used to confine animals must be of sufficient size to maintain all animals within such enclosure comfortably and in good health. Each animal must have enough space to allow it to turn freely and easily stand, sit, stretch, move its head without touching the top of the enclosure, and assume a comfortable posture for eating and drinking. An enclosure must be large enough to allow all animals within the enclosure to move and lay down without excrement.

Sec. 6-14. Standard of Care.

(A) An owner of an animal is required to provide to their animal humane care and treatment, including:

(1) access to an adequate supply of fresh air:

- (2) species – specific food;
- (3) exercise;
- (4) fresh water;
- (5) shelter, as defined by this chapter;
- (6) access to adequate natural or artificial shade from direct sunlight at all times that is large enough to contain all outdoor pets at one time and is separate from any shade created from the designated shelter;

(B) In case of dispute over adequacy of care and treatment, Animal Control or the Chief of Police will be the final authority.

Sec. 6-15. Safety of Animals in Motor Vehicles.

(A) Animal in Vehicle. No person may leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health, safety, or welfare. Any Animal Control Officer, Police Officer, or Firefighter is authorized to use reasonable force to remove an animal from a vehicle whenever it appears the animal's health or safety is endangered. Any animal removed from a vehicle in this way will be impounded.

(B) Transportation of animals. No person may transport any animal in a motor vehicle on any public roadway unless:

- (1) The animal is safely confined within the vehicle in such a way as to prevent the animal from falling or jumping from the vehicle or from strangling on a single leash; or
- (2) If traveling in an unenclosed vehicle, which includes, but is not limited to, convertibles, pick-up truck beds, unenclosed Jeeps, and flatbed trailers, the animal is safely confined by:
 - (a) A vented container or cage that is secured in such a way as to prevent the release of the animal and the container or cage from sliding around or falling from the vehicle; or
 - (b) A multi-point tether that prevents the animal from falling or jumping from the vehicle or from strangling on a single leash
- (c) Distracted Driving. The operator of a vehicle may not allow an animal to freely move about the interior of their vehicle in such a manner as to:
 - (i) obstruct the operator's view to the front, back, or sides of the vehicle; or
 - (ii) interfere with the operator's control of the vehicle.

Sec. 6-16. Domestic animals; time; deposition; reclamation.

(A) Impounded domestic animals must be kept for three (3) business days from the date of impoundment. If the owner of an animal does not reclaim the animal within three (3) business days after the date of impoundment, the animal will become the sole property of the City and is subject to disposition as Animal Control deems appropriate. The animal may be humanely euthanized prior to the expiration of the three (3) business day period if, in the professional opinion of Animal Control or a veterinarian, disposition is necessary to avoid the unnecessary suffering of a sick or injured animal or to prevent the spread of communicable disease. All reasonable steps to contact the owner have been met. However, if immediate disposition is necessary prior to owner being contacted or before the owner reclaims the animal, the animal may be humanely euthanized.

(B) The City will not be liable for damages for the destruction of any animal authorized under this chapter.

(C) An impounded domestic animal may be available for reclamation by the animal's owner upon the owner presenting their appropriate identification such as a government issued license, identification card, passport, handgun license, etc., of which the City will keep a copy, and paying the reclamation fee to the City.

(1) Possession of a vaccination certificate describing the animal or bearing the same serial number that appears on a vaccination tag worn by the animal will be accepted as prima facie proof of ownership.

(2) A repeatedly at large animal may only be released as provided by subsection 6-16(f), below.

(D) A dog or cat unvaccinated against rabies may not be reclaimed unless the owner signs a redemption contract agreeing to vaccinate the animal within a prescribed period.

(E) No impounded domestic animal suffering from disease, ailment, or injury may be reclaimed by its owner until Animal Control is provided with sufficient information by the owner to determine that arrangements have been made for proper treatment of the animal by a veterinarian.

(F) Impoundment of animals repeatedly at large; release; appeal.

(1) A repeatedly at large animal not be released to its owner without the written approval of Animal Control. If released upon approval by Animal Control, the owner must pay double the reclamation fee.

Sec. 6-17. Abandoned Animal; Impoundment.

(A) Any animal left without proper food, water, or shelter for more than three (3) days, or any animal left in conditions that endanger the health, life, and safety of the animal will be deemed abandoned.

(B) Animal Control, A Police Officer, or any other authorized agent of the City may impound any abandoned animal.

Sec. 6-18. Penalties.

(A) A person commits an offense if the person violates or attempts to violate any portion or provision contained in this chapter.

(B) Any person adjudged guilty of an offense under this chapter shall be guilty of a class C misdemeanor. Each day that a violation continues shall constitute a separate offense.

(Code 2013, § 3-5)

State law reference(s) Penalty for ordinance violations, Texas Local Government Code § 54.001; class C misdemeanors, Texas Penal Code § 12.23.

Sec. 6-19. Cruelty to animals non-livestock animals

(A) A person commits an offense if the person intentionally, knowingly, or recklessly:

- (1) tortures an animal or in a cruel manner kills or causes serious bodily injury to an animal;
- (2) without the owner's effective consent, kills, administers poison to, or causes serious bodily injury to an animal;
- (3) fails unreasonably to provide necessary food, water, care, or shelter for an animal in the person's custody;
- (4) abandons unreasonably an animal in the person's custody;
- (5) transports or confines an animal in a cruel manner;
- (6) without the owner's effective consent, causes bodily injury to an animal;
- (7) causes one animal to fight with another animal, if either animal is not a dog;
- (8) uses a live animal as a lure in dog race training or in dog coursing on a racetrack; or
- (9) seriously overworks an animal.

(B) An offense under Subsection (A)(3), (4), (5), (6), or (9) is a Class A misdemeanor, except that the offense is a state jail felony if the person has previously been convicted two times under this section, two times under Section 42.09, or one time under this section and one time under Section 42.09.

(B-1) An offense under Subsection (A)(1) or (2) is a felony of the third degree, except that the offense is a felony of the second degree if the person has previously been convicted under Subsection (A)(1), (2), (7), or (8) or under Section 42.09.

(B-2) An offense under Subsection (A)(7) or (8) is a state jail felony, except that the offense is a felony of the third degree if the person has previously been convicted under this section or under Section 42.09.

(C) It is a defense to prosecution under this section that:

- (1) the actor had a reasonable fear of bodily injury to the actor or to another person by a dangerous wild animal as defined by Section 822.101, Health and Safety Code; or
- (2) the actor was engaged in bona fide experimentation for scientific research.

(D) It is a defense to prosecution under Subsection (A)(2) or (6) that:

- (1) the animal was discovered on the person's property in the act of or after injuring or killing the person's livestock animals or damaging the person's crops and that the person killed or injured the animal at the time of this discovery; or
- (2) the person killed or injured the animal within the scope of the person's employment as a public servant or in furtherance of activities or operations associated with electricity transmission or distribution, electricity generation or operations associated with the generation of electricity, or natural gas delivery.

(E) It is an exception to the application of this section that the conduct engaged in by the actor is generally accepted and otherwise lawful:

- (1) form of conduct occurring solely for the purpose of or in support of:
 - (a) fishing, hunting, or trapping; or
 - (b) wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law; or
- (2) animal husbandry or agriculture practice involving livestock animals.

(F) This section does not create a civil cause of action for damages or enforcement of the section.

Secs. 6-20—6-44. Reserved.

ARTICLE II. LIVESTOCK AND FOWL

Sec. 6-45. Livestock, fowl within city.

It shall be unlawful for any person to keep livestock and/or fowl within the corporate limits of the city without first having complied with this article.

(Code 2013, § 3-6)

Sec. 6-46. Permit required.

Any person, firm, or corporation raising, keeping and maintaining livestock and/or fowl on a tract of land smaller than five acres shall obtain a permit from the enforcement officer. Application

for such permit shall contain the following: name, address, telephone number of the person, firm or corporation raising, keeping and maintaining livestock and/or fowl; mailing address, street address, or description of the property on which the permitted activity will be located; number of animals and/or fowl which will be kept; duration of the activity; name of any school, club, or educational institution or nonprofit organization of which the applicant is a member and under the direction of which organization the livestock or fowl is being raised; a drawing showing the location of premises and the location on the premises where any stable, barn, pen, or other area where livestock and/or fowl are to be located and showing the location of neighboring residences or commercial buildings and the distance from such stable, barn, pen or other area. Applications shall be made to the city's permit office and accompanied by a non-refundable fee as provided in chapter 18. Prior to issuance of a permit, an inspection shall be completed by the enforcement officer or his designee. If the site is approved, a permit will be issued. If such site is denied approval, a written report identifying the basis for denial shall be filed by the enforcement officer with the city secretary and a copy furnished to the applicant.

(Code 2013, § 3-6(a))

Sec. 6-47. Exemption for newly annexed land.

Owners of property annexed after the date of this ordinance may continue to maintain the number and type of animals that existed on the annexation date and may not be expanded. Cessation of maintenance of the number of types of animals inconsistent with the restriction by ordinance for a period of six (6) months terminates the exemption. Future use of the property must be in compliance with all animal restrictions including the number.

Sec. 6-48. Livestock and fowl area sanitation.

All stables, barns, pens or other areas where livestock and/or fowl are kept shall be maintained in a clean and sanitary condition so as to prevent obnoxious odors, the attraction, breeding, or potential breeding of flies and/or rodents or the creation of any other health hazard or an unreasonable accumulation of fecal matter or decaying organic matter.

(Code 2013, § 3-6(b))

Sec. 6-49. Fencing and enclosures.

Livestock shall be enclosed with adequate fences or barriers that will prevent such livestock from damaging shrubbery or other property situated on adjacent property. Such fences or barriers shall be sufficient to prevent the livestock from escaping the enclosure. All yards, barns, pens, stables, sheds or other enclosures in which livestock are confined shall be of a size to allow sufficient space to move freely and not endanger the health, safety, or welfare of the animals.

(Code 2013, § 3-6)

Sec. 6-50. Public nuisance declared.

Complaints regarding the keeping of livestock and/or fowl will be referred to and investigated by the appropriate officer or department. Any stable, barn, pen, or other area where livestock and/or fowl are kept which produces any obnoxious odor, in which flies or rodents may be found or may be breeding or where unreasonable accumulations of fecal material or decaying organic matter

may be found is hereby declared a health hazard and a nuisance, injurious to the welfare of the citizens of the city. If such conditions are found, the officer or department head inspecting the premises shall serve written notice of nuisance, itemizing those matters found in violation of this Code, on the landowner and the owner of the livestock and/or fowl, if not the same as the owner, and shall also post notice at the site. Thereafter, the landowner and/or owner of the livestock and/or fowl shall have ten days to correct the violation and remove the nuisance.

(Code 2013, § 3-6(d))

Sec. 6-51. Unreasonable accumulation defined.

For purposes of this article, an accumulation of fecal material and/or decaying organic matter in which are found fly eggs or fly larvae or maggots shall be deemed to be an unreasonable accumulation.

(Code 2013, § 3-6(e))

Sec. 6-52. Livestock kept for educational purposes.

Any person, firm, or corporation shall be entitled to raise, keep, breed, and maintain livestock and/or fowl within the limits provided by this article if such person, firm, or corporation is a public or private school located within the city, or a non-profit corporation or association as defined by the IRS Code, including the FFA and 4-H Clubs or is a member of or student in such school, corporation, or association. If such person, firm, or corporation qualifies hereunder, the fee requirements of this article shall be waived. Such waiver must be renewed annually. The privileges of this article will terminate if the provisions of section 6-49 are violated.

(Code 2013, § 3-6(f))

Sec. 6-53. Swine prohibited.

No hogs, swine, or pigs, excluding potbellied pigs, shall be kept within the city under any condition, except that said livestock may be kept in a place of business where livestock are auctioned, bought commercially, and marketed for sale to third parties.

Miniature swine (potbelly) is described as typically weighing between 70 to 150 pounds and standing 16 to 20 inches tall at the shoulder.

(Code 2013, § 3-6(h))

Sec. 6-54. Hens and Roosters

People living in a house or trailer in the City of Gatesville are permitted to own hens and roosters under the following conditions:

(A) a person may not own more than six (6) hens in the City if the pen, coop, or other enclosure for housing the hens is fifty (50) feet or less from the nearest residence, excluding the residence of the animal owner.

The exception to the distance requirements required for the keeping of hens does not apply to roosters.

The following conditions are required for all owners of hens and roosters:

(A) the hens are only kept in the back yard of the residence.

(B) the pen, coop, or other enclosure in which the hens are kept is clean, sanitary, secure, ventilated, large enough for the hens to move freely, and meets applicable City standards or permit requirements.

(C) the hens do not pose a health hazard.

Sec. 6-55. Feeding of Deer

No person shall purposely feed or provide food (as herein described) though a ground –feeding station, salt lick, or by any other means to the wild deer on public property, privately owned property, and/or public or private easements, or any other privately owned land of any description in the City of Gatesville.

It shall be declared a public nuisance for any person to have purposely fed or caused deer to be fed and it shall be prima facie evidence of violation of this ordinance if the person places wheat, pelleted livestock food, corn in any form, fruit, vegetables, hay, or alfalfa, any form of commercially sold wildlife feed, birdseed or livestock feed, or any other edible matter that deer will consume (not including live vegetation such as ornamental landscaping, ornamental bushes, grass, fruit trees or flowers) on the ground or within reach of deer, or by any other means in the City of Gatesville.

Secs. 6-56—6-77. Reserved.

ARTICLE III. DOGS AND CATS

Sec. 6-78. Maximum number allowed.

No person shall, within any residential zone, keep, maintain, harbor or possess more than six dogs, cats, or any combination thereof, over four months of age without first applying for a kennel/multi-pet permit.

(Code 2013, § 3-15)

~~Sec. 6-79. Animal license.~~

~~(a) It shall be unlawful for any person to own, keep, or harbor any dog or cat over the age of four months within the city unless such dog or cat has been issued a valid, current license by the city. The cost of the license shall be as provided in chapter 18 and can be purchased at the police department.~~

- ~~(b) A dog or cat license shall be valid for one year after the date of its issuance and shall be renewed no later than the date of its expiration.~~
- ~~(c) At the time of application, an owner must provide a current rabies vaccination certificate issued by a licensed veterinarian for each animal to be licensed.~~
- ~~(d) Upon payment of license fee and proof of rabies vaccination, the city shall issue a durable license tag, stamped with the year of issuance and an identification number for the animal for which the license has been obtained.~~

~~(Code 2013, § 3-21)~~

Sec. 6-80. Requirement that license tag be worn.

~~It shall be unlawful for any dog for which the owner is required to obtain a license to not wear a valid license tag at all times securely attached to a collar around his neck. Cats are not required to wear a license tag.~~

~~(Code 2013, § 3-22)~~

Sec. 6-81. Lost or destroyed tags.

~~If such tag is lost or destroyed, the owner shall apply to the city for a new tag by presentation of the applicable vaccination registration receipt accompanied by the required fee.~~

~~(Code 2013, § 3-23)~~

Sec. 6-79. Criteria for kennel permit. ~~/multiple pet ownership permit.~~

The criteria for passing inspection for a kennel ~~/multiple pet ownership~~ permit are as follows:

- ~~(A) Have all the documents from the State of Texas showing Breeders License and inspections from the State of Texas.~~
- ~~(B) Housing of the dogs or cats are in a separate area from the main living space.~~
- ~~(C) Facilities shall be of sufficient size as to allow animals to move about freely. This shall apply to each animal kept. The size of the facility shall be in proportion to the size of each individual animal's height and weight.~~
- ~~(D) Adequate foods and water must be provided so that each and all animals kept shall be maintained in good health and free of malnutrition and/or dehydration.~~
- ~~(E) 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 animals' health and/or to the health of the general public.~~
- ~~(F) The said premises must provide adequate protection from the common elements, i.e., rain, heat, cold.~~

~~(Code 2013, § 3-16)~~

Sec. 6-80. Revocation of permit.

A kennel permit may be revoked by animal control or local authority if:

- (A) The animals kept are causing a stench or odor which is offensive to a person of ordinary sensibilities;
- (B) The animals are maintained in a manner which is dangerous to the health of the person, animals themselves or adjacent animals;
- (C) The animals are causing noise which is offensive or disturbing to a person of ordinary sensibilities on adjoining, adjacent or neighboring premises; or
- (D) The facilities are not maintained in accordance with the inspection criteria.
- (E) There is not documents from the State of Texas showing your registration and inspection have been completed.

(Code 2013, § 3-17)

Sec. 6-81. Restraint of dogs.

Any dog, while on a street, sidewalk, public way or in any park, public square, or other public space shall be restrained and secured by a leash or chain of sufficient tensile strength to restrain the particular dog. An animal that is not restrained in compliance with this section shall be considered at-large.

(Code 2013, § 3-10)

Sec. 6-82. Cats exempt from leash.

Although cats shall be exempt from any leash requirements, it shall be unlawful for any owner of a cat to allow said cat to stray onto the property of anyone except the owner. Any cat found straying onto the property of anyone except the owner shall be deemed a public nuisance and shall be subject to impoundment.

(Code 2013, § 3-11)

Sec. 6-83. Rabies vaccination of dogs and cats.

(A) The owner or custodian of a dog or cat shall have the animal vaccinated by the time the animal is four months of age and at regular intervals thereafter as required by state law, or at least annually, whichever comes first. A person commits an offense if the person is the owner or custodian of a dog or cat and fails or refuses to have such dog or cat owned by the person vaccinated annually against rabies as required by this chapter.

(B) Because of their propensity to be exposed to rabies and contact with humans, dogs and cats must be vaccinated. No person shall own, keep or harbor any dog or cat over four months of age within the city unless such dog or cat is vaccinated as herein required. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government operated or licensed animal shelter.

(C) The owner or custodian of a dog or cat upon request of the local rabies control authority or his designee must provide the official rabies vaccination certificate for review.

(D) Any owner of any dog or cat over the age of four months which does not have a current rabies vaccination will be subject to a fine established by the other provision of this chapter, plus the cost of impoundment. Any fine imposed pursuant hereto shall be exclusive of any fees payable by the owner pursuant to other provisions of this chapter.

(E) It is unlawful for an owner to allow a dog or cat of four (4) months or older to be in a public place without wearing a current vaccination tag issued by a veterinarian.

(Code 2013, § 3-14)

State law reference(s)—Rabies control, Texas Health and Safety Code ch. 826; local rabies control programs, Texas Health and Safety Code § 826.015.

Sec. 6-84. Unlawfully displaying false tags.

It is unlawful for any person to attach to a dog's or cat's collar a vaccination tag issued to another dog or cat.

Sec. 6-85. Live traps.

The city or any resident of the city may use a live trap or traps to capture dogs or cats, which have strayed from the owner's property. Any dog or cat trapped by virtue of the authority of this section, whether by the city or a resident of the city, shall be turned over to the animal control officer for disposition as provided by this chapter.

(A) A person may not set up or cause to be set up a humane trap outside of their own property without the consent of the owner of the property on which the trap is set.

(B) A person setting up or allowing humane traps to be set up on their property must check the traps at least once every eight (8) hours during the hours of 8 am to 10 pm, except in extreme weather conditions of 32 degrees or below or 100 degrees or higher they must check the trap every four (4) hours.

(C) The person must provide humane care to any trapped animals including the provision for food, water and protection from the extremes of the environment including heat, cold, and precipitation.

(D) A person who has set up or caused to be set up a humane trap must notify Animal Services as soon as they become aware that an animal is caught in the trap.

(E) The personal humane trap must be commercially made with a maximum size of 32x12x10 for Animal Services to pick up the trap. No homemade traps allowed.

It is unlawful for a person not to comply with this Section.

(Code 2013, § 3-24)

Sec. 6-86. Property owners may impound.

A person finding an animal at-large upon his property may hold the animal in his own possession and, as soon as possible, notify animal control. The property owner shall provide a description of

the animal and the name of the owner if known. The animal control officer shall take possession of the animal as soon as practicable.

(Code 2013, § 3-25)

Sec. 6-87. Community cat management.

(A) A community cat caregiver may trap one or more community cats for the sole purpose of sterilizing, vaccinating for rabies, and ear tipping community cats, in compliance with any applicable federal or state law, and under supervision of a licensed veterinarian, where applicable.

(B) An ear tipped cat received by animal control may be returned to the location where trapped unless veterinary care is required, or at the direction of the animal control supervisor. A trapped ear tipped cat may be released on site unless veterinary care is required, or at the discretion of the animal control officer.

(C) Community cat caregivers are empowered to reclaim impounded ear tipped community cats without proof of ownership solely for the purpose of carrying out trap-neuter-return and/or returning ear tipped community cats to their original location.

(D) A person who returns a community cat to its original location while conducting trap- neuter-return is not deemed to have abandoned the cat.

(E) To become a community cat caregiver, a person must register with the city secretary of the City of Gatesville. Registration forms shall be made available at City Hall. Each person seeking community cat caregiver status shall complete the community cat caregiver form annually. Registration is valid for the calendar year during which the registration is made. A person may register for the forthcoming year after November 1 of each year. There shall be no fee for this registration.

(F) A community cat caregiver shall implement proper management and sterilization practices to include culling sick and injured cats and providing a rabies vaccination and other necessary immunizations.

(G) It shall be unlawful to feed community cats on city-owned or public property, to include roadways, alleys, easements, rights-of-way, and sidewalks. Food will be placed in bowls, plates, pans, or similar utensils to contain the food; food shall not be poured on the ground for the purpose of providing food. Paper or plastic feeding utensils must be discarded after use so litter does not accumulate.

(H) Feeding on private property shall only occur with authorization from the property owner or an authorized agent.

(I) Community cats that become nuisance animals, may be humanely euthanized by animal control or a licensed veterinarian if no other solutions can be found.

(Ord. No. 2022-08, § 2, 11-15-2022)

Ord. No. 2022-08, § 2, adopted Nov. 15, 2022, amended § 6-87 in its entirety to read as herein set out. Former § 6-89 pertained to feral cat management and permit and derived from Code 2013, §

3-26; Ord. No. 95-07, § 2, adopted April 25, 1995; Ord. No. 2000-04, § 2, adopted May 9, 2000; and Ord. No. 2013-03, adopted April 23, 2013.

~~Sec. 6-90. Dangerous dogs.~~

~~(a) Requirements for owner.~~

- ~~(1) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:
 - ~~a. Register the dangerous dog with the animal control authority for the area in which the dog is kept;~~
 - ~~b. Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure; and~~
 - ~~c. Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person.~~~~
- ~~(2) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:
 - ~~a. The owner knows of an attack described in section 6-1; or~~
 - ~~b. The owner is informed by the animal control authority that the dog is a dangerous dog.~~~~
- ~~(3) If a person reports an incident described by section 6-1, the animal control authority may investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control authority determines the dog is a dangerous dog, it shall notify the owner of that fact.~~
- ~~(4) An owner, not later than the 30th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control authority to a justice or municipal court of competent jurisdiction. An owner may appeal the decision of the justice or municipal court in the same manner as appeal for other civil cases.~~

~~(b) Attack.~~

- ~~(1) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.~~
- ~~(2) An offense under this section is a class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a class A misdemeanor.~~
- ~~(3) If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by a person listed in Health and Safety Code § 822.003.~~
- ~~(4) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000.00. An attorney having civil jurisdiction in the county or an attorney for a municipality where the offense occurred~~

~~may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the county or municipality.~~

~~(Ord. No. 2022-08, § 3, 11-15-2022)~~

Sec. 6-88 Aggressive Dog Determination.

(A) Animal Control has the authority to determine whether any dog is an aggressive dog, as defined by this Chapter. This determination must be based upon an investigation that includes observation and testimony about the dog's behavior on the date of the incident, including the owner's control of the dog, and any other relevant evidence as determined by Animal Control. Observations and testimony can be provided by an Animal Control Officer or by other witnesses who must sign an affidavit attesting to the observed actions on the date of the incident and agree to provide testimony regarding the dog's actions on the date of the incident if necessary.

(B) Animal Control has the discretionary authority to refrain from determining whether a dog is an aggressive dog, even if the dog meets the definition of an aggressive dog, based upon relevant circumstances.

(C) Animal Control may seize and impound the dog, at the owner's expense, pending investigation and determination of whether the dog is an aggressive dog. If the owner of the dog has not been located before the fifteenth (15th) day after seizure and impoundment, the dog will become the sole property of the City and is subject to disposition as Animal Control deems appropriate.

(D) At the conclusion of the investigation required by this Section Animal Control must:

- (1) Determine that the dog is not aggressive and, if the dog was impounded, release the dog to its owner and may waive the costs and fees related to the seizure, quarantine, and impoundment: or
- (2) Determine that the dog is aggressive and order the owner to comply with the requirements of ownership of an aggressive dog set forth in this Article, and if the dog was impounded, release the dog to its owner after compliance with all applicable requirements of Subsection (g) of this Section.

(E) If a dog is determined to be aggressive dog, animal Control must notify the dog owner in writing in person or by mail:

- (1) That the dog has been determined to be an aggressive dog;
- (2) What the owner must do to comply with the requirements for ownership of an aggressive dog and reclaim the dog, if impounded; and
- (3) That the owner has the right to appeal the aggressive dog determination:

(F) An Owner is deemed to have been notified by Animal Control of an aggressive dog determination:

(1) For personal service, on the date that the determination was provided to the owner; and

(2) For mail, three (3) business days after the date the determination was deposited in the mail or given to the carrier.

(G) An impounded dog determined by Animal Control to be aggressive must remain impounded or confined at a location approved by Animal Control and may not be released to the owner until the owner pays all costs and fees related to the seizure, quarantine, and impoundment of the dog and complies with all requirements for ownership of an aggressive dog set forth in this Article.

(H) If the owner of an impounded dog has not complied with Subsection (g) of this Section within thirty (30) days after the dog is determined to be aggressive and no appeal of the determination is timely filed, the dog will become the sole property of the City and is subject to disposition as Animal Control deems appropriate.

Sec. 6-89. Appeals.

(A) If under Sec 6-88, Animal Control determines that a dog is aggressive, the determination is final unless the dog owner files a written appeal with the municipal court within fifteen (15) days after the date of being notified that a dog owned by the owner was determined to be an aggressive dog.

(B) The owner of a dog determined to be aggressive must, during the course of an appeal if the dog is not impounded, keep the dog on a leash in the direct physical control of a person or in a secure enclosure approved by Animal Control. Failure to comply with this Subsection is an offense.

(C) To file an appeal under Subsection (A), the owner must:

(1) File a notice of appeal of Animal Control's determination with the City municipal court;

(2) Attach a copy of the determination form Animal Control

(3) Serve a copy of the notice of appeal on Animal Control's mailing notice.

(D) This hearing is a civil proceeding. The City's municipal court may only reverse Animal Control's determination if the court finds the decision arbitrary or capricious or characterized by an abuse of discretion.

(E) If the municipal court reverses Animal Control's determination that the dog is an aggressive dog and the dog is impounded, the Court will order animal Control to release the dog to its Owner.

(F) If the municipal court affirms Animal Controls determination that the dog is an aggressive dog, the court must order Animal Control to seize and impound the dog and issue a warrant authorizing this seizure, or if the dog is already impounded, order the dog to remain impounded. The Court may not order the release of the dog from impoundment until the owner complies with Sec 6-90 and any additional requirements as deemed appropriate by the court within a period determined by the court. Failure to comply with the court's additional requirements, if any, and Sec 6-90 within the period determined by the court will result in the aggressive dog becoming the sole property of the City and being subject to disposition as Animal control deems appropriate.

(G) The owner of a dog must pay any costs and fees related to the seizure, impoundment, or destruction of the dog, unless these costs are waived by the court.

(H) The decision of the Municipal court will be final and non-appealable.

Sec 6-90 Requirements for ownership of an aggressive dog.

(A) An owner of an aggressive dog must no later than thirty (30) days after the dog is determined to be aggressive:

- (1) Have an unsterilized aggressive dog spayed or neutered;
- (2) Register the aggressive dog with Animal Control and pay the aggressive dog registration fee;
- (3) Keep their aggressive dog under restraint in a manner approved by Animal Control at all times;
- (4) When taken outside of its enclosure, securely muzzle the dog in a manner that will not cause injury to the dog or interfere with its vision or respiration. The muzzle must prevent the aggressive dog from biting any person or animal.
- (5) Place and maintain on the aggressive dog a collar or harness with a current aggressive dog registration tag securely attached to it;
- (6) Have the aggressive dog injected with a microchip implant and registered with a national registry for dogs;
- (7) Post a legible "Aggressive Dog" sign on all sides of the secure enclosure where the dog is kept;
- (8) Comply with all other requirements of this Chapter.

(B) The owner of the aggressive dog must renew the registration of the aggressive dog with animal Control annually and pay an aggressive dog registration fee at the renewal.

(C) A person commits an offense if they fail to comply with any requirement of this section.

Sec. 6-91. New owner registration; new dog in City jurisdiction registration.

(A) Registration by New Owner. If a person becomes the new owner of an aggressive dog and keeps or harbors the dog within the City limits, the owner must register the aggressive dog with Animal Control within fourteen (14) calendar days after the date the new owner assumes custody or control over the aggressive dog.

(B) Re-registration. When the owner of an animal who has registered a dog as aggressive or vicious in another jurisdiction moves into the City limits, they must register the dog with Animal Control within fourteen (14) days of living within the City's jurisdiction.

(C) Validation of Re-registration. A re-registration by a new owner or an owner moving from another jurisdiction will be valid only for the time remaining on the prior registration.

Sec. 6-92. Attack by an aggressive dog; non-compliance with requirements; hearing.

(A) If a previously determined aggressive dog makes an unprovoked attack on a domestic animal outside of the dog's enclosure and injures or kills the domestic animal, Animal Control may seize and impound the aggressive dog, at the owner's expense, pending a hearing before the municipal court in accordance with this Section.

(B) Upon receipt of a report by any person, including Animal Control, of an attack described in Subsection (A) or on the application to the court by a person that an owner of an aggressive dog has failed to comply with Sec. 6-90, the municipal court will conduct a hearing to determine whether the aggressive dog committed such an attack or if the owner of the aggressive dog failed to comply with Sec. 6-90. The hearing must be conducted within thirty (30) days after receipt of the report or application, but if the dog is already impounded, not later than ten (10) days after the date on which the dog was seized. The municipal court will provide, by mail, written notice of the date, time, and location of the hearing to the owner of the aggressive dog and the complainant. Any interested party may present evidence at the hearing.

(C) At the conclusion of the hearing, the court may:

(1) find that the aggressive dog did commit an attack described in Subsection (A), and order Animal Control to seize and impound the dog if the dog is not already impounded; if so ordered, the aggressive dog will become the sole property of the City and will be subject to disposition as Animal Control deems appropriate;

(2) find that the aggressive dog did not commit an attack described in Subsection (A), and order Animal Control to release the dog to its owner if the dog is impounded;

(3) find that the aggressive dog owner failed to comply with Sec. 6-90 and order the dog to be seized and impounded by Animal Control and:

(a) order the dog to remain impounded until the owner complies with Sec. 6-90 and additional requirements as deemed appropriate by the court within a

period determined by the court; or failure to comply with the requirements of Sec. 6-90 and by the court within the period determined by the court will result in the aggressive dog becoming the sole property of the City and being subject to disposition as Animal Services deems appropriate;

(b) order Animal Control to seize and impound the dog if the dog is not impounded, and the aggressive dog will become the sole property of the City and will be subject to disposition as Animal Control deems appropriate; or find that the aggressive dog owner did not fail to comply with requirements of Sec. 6-90 and order Animal Control to release the dog to its owner if the dog is impounded.

(c) The owner of a dog must pay the costs and fees related to the seizure, quarantine, and impoundment of the dog, unless these costs or fees are waived by the court.

(d) The decision of the municipal court will be final and non-appealable.

Sec. 6-93. Aggressive dog owner notifications.

(A) The owner of an aggressive dog must notify Animal Control within twenty-four (24) hours if the aggressive dog is at large, unconfined, has attacked a human being or another domestic animal, has died, or has been sold or given away.

(B) If an owner of an aggressive dog sells, gives away, or moves the dog to a new address, the owner, no later than the fourteen (14th) day after the date of the sale, gift, or move, must notify Animal Control. Upon selling, giving away, or moving the registered aggressive dog to a new address, that owner must notify the new owner(s) of the dog, if any, that the dog has been determined aggressive.

Sec. 6-94. Attack by an aggressive dog; criminal penalty.

(A) A person commits an offense if the person is the owner of an aggressive dog, and the dog makes an unprovoked attack on a person or domestic animal outside of the animal's enclosure and causes bodily injury to the person or domestic animal.

(B) If a person is found guilty of an offense under this Section, the court may order the owner of an aggressive dog to comply with additional requirements as deemed appropriate by the court.

Sec. 6-95. Violations.

(A) A person who owns an aggressive dog commits an offense if the person fails to comply with the requirements of owning an aggressive dog found in this Article and any additional requirements imposed by the municipal court, if applicable.

(B) It is a violation of this Article for any person to refuse or fail to deliver a dog subject to this Article to Animal Control or harbor, hide or secrete, or transport or secure the transport of a dog subject to this Article to prevent its impoundment.

Sec. 6-96. Defenses aggressive dogs.

(A) It is a defense to prosecution under this Article that the person is a veterinarian, a licensed police officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position; provided, however, that for any person to claim a defense under this Section, such person must be acting within the course and scope of their official duties with regard to the aggressive dog.

(B) It is a defense to prosecution under this Article that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes; provided, however, that for any person to claim a defense under this section, such person must be acting within the course and scope of their official duties with regard to the aggressive dog.

(C) It is a defense to prosecution under this Chapter that the person is a dog trainer or an employee of a guard dog company under Chapter 1702, Occupations Code; provided, however, that for any person to claim a defense under this Section, such person must be acting within the course and scope of their official duties with regard to the aggressive dog.

(D) It is a defense to prosecution under this Article that the dog at issue is a trained guard dog in the performance of official duties while confined or under the control of its handler.

ARTICLE IX. ENFORCEMENT

Sec. 6-97. Criminal prosecution.

(A) It is unlawful for any person to intentionally, knowingly, recklessly, or with criminal negligence commit a prohibited act or fail to perform a required act as required by this Chapter or violate any provision of this Chapter. Each day a violation under this Chapter exists, each separate animal, and each condition in violation of any provision of this Chapter will constitute a separate offense.

(B) Upon conviction of a violation committed under this Chapter, the maximum amount a person may be fined per a violation is two thousand dollars (\$2000.00). A person may be fined not less than one hundred dollars (\$100.00) for a first conviction under this Chapter. In the event a defendant has been convicted once previously under this Chapter, the defendant may be fined an amount not less than two hundred dollars (\$200.00) and not less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter.

Sec. 6-98. Civil Remedies.

(A) The City may seek a warrant or order from a court of competent jurisdiction to enforce this Chapter, pursuant to all applicable local, state, and federal laws.

(B) Prosecution for an offense under Sec. 6-99, or any other provision of this Chapter or state or local law, does not prevent the use of civil enforcement remedies or procedures applicable to enforcement of this Chapter.

Sec. 6-99. Dangerous dogs.

(A) Requirements for owner.

(1) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:

- a. Register the dangerous dog with the animal control authority for the area in which the dog is kept;
- b. Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure; and
- c. Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by a dangerous dog causing bodily injury to a person.

(2) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:

- a. The owner knows of an attack described in section 6-1; or
- b. The owner is informed by the animal control authority that the dog is a dangerous dog.

(3) If a person reports an incident described by section 6-1, the animal control authority may investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control authority determines the dog is a dangerous dog, it shall notify the owner of that fact.

(4) An owner, not later than the 30th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control authority to a justice or municipal court of competent jurisdiction. An owner may appeal the decision of the justice or municipal court in the same manner as appeal for other civil cases.

(B) Attack.

(1) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.

(2) An offense under this section is a class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a class A misdemeanor.

(3) If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by a person listed in Health and Safety Code § 822.003.

(4) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000.00. An attorney having civil jurisdiction in

the county or an attorney for a municipality where the offense occurred may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the county or municipality.

(Ord. No. 2022-08, § 3, 11-15-2022)

Sec. 6-100. Violations of division.

(A) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with section 6-88(A).

(B) An offense under this section is a class C misdemeanor.

(Ord. No. 2022-08, § 3, 11-15-2022)

Sec. 6-101. Defense to prosecution.

(A) It is a defense to prosecution under section 6-99 or 6-100 that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position.

(B) It is a defense to prosecution under section 6-88 or 6-89 that the person is an employee of the institutional division of the state department of criminal justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.

(Ord. No. 2022-08, § 3, 11-15-2022)

Sec. 6-102. Disposal of animals.

(A) An owner of an animal that is infected or afflicted with a disease that is contagious or a threat to the life or health of other animals or humans must humanely destroy the animal and dispose of the carcass as directed by Animal Services.

(B) An owner of a dead animal that was not infected or afflicted with a disease described in Subsection (A) must dispose of its carcass as provided under applicable local, state, and federal laws and regulations within twenty-four (24) hours of its death, unless otherwise allowed a longer period under any local, state, or federal law or regulation.

(1) An owner of a dead animal may take their animal to a veterinarian for disposal.

(2) an owner of a dead animal may call animal control for disposal.

(3) An owner may only bury a dead animal within the City if the following conditions are met:

(a) The dead animal:

(i). is buried on the owner's property or on private property with the private property owner's consent or is buried on public property with the City's written consent;

- (ii). is not buried in a flood plain;
- (iii). is buried at least two (2) feet deep;
- (iv). weighs less than fifty (50) pounds; and
- (v). The owner of the dead animal calls and receives instructions from Texas 811 before digging a grave for the dead animal and follows Texas 811's instructions on where to dig and locations to dig.

SECTION 2. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the Gatesville Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Gatesville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Gatesville Code of Ordinances, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5. This ordinance shall take effect immediately after the third and final reading.

Ordinance No. 2026-18 was read the first time and passed to the second reading this ____ day of _____, 2026.

Ordinance No. 2026-18 was read the second time and passed to the third reading this ____ day of _____, 2026.

Ordinance No. 2026-18 was read the third time and duly approved, passed and adopted this the ____ day of _____, 2026.

APPROVED:

ATTEST:

Gary Chumley, Mayor

Holly Owens, City Secretary, T.R.M.C.