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CHAPTER 2

ANIMAL CONTROL

SECTION 2.100 AUTHORIZATION

This Chapter is enacted pursuant to the general police power, the authorities granted to cities and towns by the Texas State Constitution, and the Local Government Code.

SECTION 2.200 PURPOSE AND INTENT

The purposes of this Chapter are to promote the public health, safety, and general welfare of the citizens of the City of Round Rock and to ensure the humane treatment of animals by regulating the care and control of animals within the City.

SECTION 2.300 DEFINITIONS

When used in this Chapter, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (1) *Animal* means any live creature, both domestic and wild, except humans. “Animal” includes fowl, fish, and reptiles.
- (2) *Animal Control* means the Animal Control Division of the Round Rock Police Department.
- (3) *Animal control officer* means an employee or agent of the City, designated by the Chief of Police to administer and enforce the licensing, inspection, and enforcement requirements contained within this Chapter.
- (4) *Animal hospital* means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.
- (5) *Animal nuisance* means any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.
- (6) *Animal shelter* means any facility operated by the City for the temporary care, confinement and detention of animals and for the humane killing and other disposition of animals. The term shall also include any private facility authorized by the City to impound, confine, detain, care for or destroy any animal.

- (7) *At large* means that an animal is (1) on the premises of the owner and is not tied, staked, or restrained securely within an enclosure or fence capable of fully and totally securing the animal; or (2) off the premises of the owner, and is not on a leash under the immediate control of a person physically capable of restraining the animal or is not restrained securely within an enclosure or fence capable of fully and totally securing the animal.
- (8) *Cat* means any member of the family *felis domestica*.
- (9) *Chief of Police* means the Chief of Police of the City of Round Rock or his designee.
- (10) *Cruelty* means any act or omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care, or nutritious food in sufficient quantity. In the case of activities where physical pain is necessarily caused, such as in medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, “cruelty” shall mean a failure to employ the most humane method reasonably available.
- (11) *Dangerous animal* means one that has made an unprovoked attack on a human being or another animal. A dangerous animal does not include guard or attack dogs as defined by Section 2.300(q), as long as such guard or attack dogs are restrained and confined in compliance with Section 2.1500 of this Chapter.
- (12) *Disposition* means adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. “Disposition” includes placement or sale of an animal to the general public, or removal of animal from any pet shop to any other location.
- (13) *Dog* means any member of the family *canis familiaris*.
- (14) *Domestic animal* includes livestock, caged or penned fowl, pigeons, normal household pets, such as, but not limited to, dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small, nonpoisonous reptiles or nonpoisonous snakes.
- (15) *Exotic* or *wild animal* means any live monkey, alligator, crocodile, cayman, raccoon, opossum, skunk, fox, wolf, hybrid wolf, sea mammal, bear, poisonous snake, nonhuman primate, prairie dogs, African Servals, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or livestock. The term *exotic* or *wild animal* does not include domestic cats (excluding hybrids with ocelots or margays), domestic dogs (excluding hybrids with wolves, coyotes or jackals), farm animals, rodents, and captive-bred species of common cage birds.

- (16) *Fowl* means any goose, pheasant, chicken, prairie chicken, peacock, guinea, duck, turkey, and other normally undomesticated fowl.
- (17) *Guard or attack dog* means a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.
- (18) *Impoundment* means the taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.
- (19) *Livestock* any horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jenny, all species of swine, sheep, goat, llama, all species of cattle, or an emu, ostrich, or rhea.
- (20) *Muzzle* means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.
- (21) *Organized sporting or recreational event* means any event which is held on a playing field or other area located at a city-owned park or other city-owned property, and which requires the participants to obtain prior approval of the Parks and Recreation Department of the City of Round Rock, Texas for the use of the city-owned park or other property.
- (22) *Owner* means any person or persons, firm, association or corporation, having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this Chapter. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.
- (23) *Playing field or area* shall mean any portion of a city-owned park or other city-owned property on which the participants in a sporting or recreational event may engage in an authorized activity, and includes, but is not limited to, any areas designated for spectators to view said event, areas where participants may rest while not engaged in said event, and any area where concession stands are situated.
- (24) *Public nuisance animal* means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term “public nuisance animal” shall include, but not be limited to:
- (a) Any animal that is found running at large more than three times in a twelve month period;
 - (b) Any dog in a park or public recreation area unless the dog is controlled by a leash or similar physical restraint;

- (c) Any animal that damages, soils, defiles, or defecates on any property other than that of its owner;
 - (d) Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
 - (e) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
 - (f) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
 - (g) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
 - (h) Any animal that chases motor vehicles in a public right-of-way;
 - (i) Any animal that attacks a domestic animal;
 - (j) Any animal that causes unsanitary conditions in enclosures or surroundings where that animal is kept or harbored;
 - (k) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.
- (25) *Riding stable/school or academy* means a camp or school where horseback riding is taught on a regular basis for financial gain.
- (26) *Sanitary* means a condition of good order and cleanliness to minimize the possibility of disease transmission.
- (27) *Under restraint* means that an animal is secured by a leash, or securely enclosed within the real property limits of the owner's premises.

SECTION 2.400 NUISANCES

It shall be unlawful for any person to keep any animal on any property located within the corporate limits of the City when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

SECTION 2.500 KEEPING OF EXOTIC ANIMALS

It shall be unlawful for anyone to own, harbor, maintain, have in their possession, have on their premises or under their control, or permit at large any exotic or wild animal without the written permission of the Chief of Police. Such permission shall be given only if it is demonstrated to the satisfaction of the Chief of Police that the animal will not constitute a threat to public health or safety. If evidence is presented to the Chief of Police that an exotic or wild animal is constituting a threat to public health or safety, the Chief shall have the discretion to revoke previously granted permission to own or keep said animal.

SECTION 2.600 KEEPING OF NUMEROUS ANIMALS2.601 LIMIT ON NUMBER OF ANIMALS PERMITTED

It shall be unlawful for any person to keep animals within the City of such a number that the animals constitute a public nuisance or menace to public health or safety.

SECTION 2.700 LIVESTOCK2.701 KEEPING OF LIVESTOCK

- (1) This Section shall not apply to property zoned AG.
- (2) It shall be unlawful for any person to keep livestock within the corporate limits of the City unless the livestock is being kept in accordance with the following restrictions:
 - (a) Livestock shall be kept on a parcel of land that is at least one acre in size.
 - (b) There shall be no more than one unit (as defined below) of livestock for the first acre of land. There shall be no more than one additional unit of livestock for each additional one-half acre of land in the same parcel. For the purpose of this subsection, units of livestock shall be defined as follows:
 - (i) The following types of livestock shall be counted as one head equals one unit: horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jenny, llama, and all species of cattle;
 - (ii) The following types of livestock shall be counted as one head equals one-half of a unit: all species of swine; and
 - (iii) The following types of livestock shall be counted as one head equals one-fifth of a unit: sheep, goat, emu, ostrich and rhea.

- (c) No livestock shall be permitted to graze, forage, or otherwise roam within 50 feet of any dwelling, residence, or structure used for human occupancy (other than the livestock owner's dwelling or residence).
- (d) Barns, stables, corrals, sheds, pens or other similar structure where livestock may be housed, fed, or confined, or where food for livestock is stored shall not be located within 150 feet of any residence, business or commercial establishment or office (other than the livestock owner's residence, business or commercial establishment or office), grocery store, school building, church, hospital, nursing home, or restaurant or other food service establishment.
- (e) 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.
- (f) The owner keeping any livestock shall keep all yards, barns, pens, stables, sheds or other enclosures in which such animals are confined in such a manner so as not to give off odors offensive to persons or ordinary sensibilities in the immediate vicinity, or to breed or attract flies, mosquitos or other noxious insects or rodents, or in any manner to endanger the public health, safety, or welfare, or to create a public nuisance.

All yards, barns, pens, stables, sheds or other enclosures in which livestock is confined shall be of a size to allowed said animals sufficient space to move freely and not endanger the health, safety, or welfare of the animal or animals.
- (g) Subdivisions (1)-(4) above shall not apply to a licensed veterinarian at the veterinarian's place of business or a riding stable/school or academy.

(Ordinance No. Z-06-06-08-9B5 of June 8, 2006)

2.702 UNLAWFUL FOR LIVESTOCK TO BE AT LARGE

It shall be unlawful for any livestock to be at large off the property of the owner of the livestock. The owner of the livestock found to be at large shall be responsible for the offense and no culpable mental state is required.

2.703 IMPOUNDMENT OF LIVESTOCK

Animal control officers are authorized to impound all livestock in violation of Sections 2.701 and 2.702 above, subject to terms and conditions established throughout this Chapter. Livestock will be held by a private contractor with the owner being responsible for all impound, transportation, boarding, feeding and any other expenses incurred in

impounding the livestock. All fees and charges must be paid prior to release of the livestock.

2.704 LIABILITY

To insure the public safety and to avoid serious accidents, any livestock that is in danger of getting on a public roadway will be tranquilized if possible or in extreme cases destroyed by police officers or animal control officers. If it is necessary to tranquilize or destroy livestock to prevent property damage or injuries, the City will not be liable for damages to the owners of said livestock.

SECTION 2.800 FOWL

2.801 LIMITATIONS ON NUMBER OF FOWL

- (1) This Section shall not apply to property zoned AG.
- (2) It shall be unlawful to own or keep fowl within the corporate limits of the City unless the number is limited and they are kept in enclosed pens as set forth below:
 - (a) If fowl are confined within an enclosed pen which is located fifty (50) feet or more from any building or dwelling occupied by any person other than the owner of the fowl, the number of fowl is limited to no more than ten (10).
 - (b) If fowl are confined within an enclosed pen which is located less than fifty (50) feet, but more than twenty-five (25) feet from any building or dwelling occupied by any person other than the owner of the fowl, the number of fowl is limited to no more than five (5).

(Ordinance No. Z-06-06-08-9B5 of June 8, 2006)

SECTION 2.900 EDUCATIONAL EXEMPTION PERMIT

2.901 EXEMPTION FOR EDUCATIONAL PURPOSES

Sections 2.602, 2.701(a)-(d), 2.801 and 2.802 shall not apply to school-age children enrolled in a public or private school which offers Future Farmers of America (FFA) and/or 4-H Club programs in which the class participants are required or allowed to raise project animals for education, show or profit purposes as long as said children have a valid permit issued below and in effect at the time.

2.902 PERMIT

- (1) In order to qualify for the above exemption, the students are required to:

- (a) Apply for an annual FFA/4-H project permit. Said application shall be signed by the student, the student's parent or guardian, and the student's FFA/4-H teacher/instructor.
 - (b) Provide proof of enrollment in one of the listed school programs.
 - (c) Provide proof that the animals being kept are an integral part of the student's participation in one of the listed school programs.
 - (d) Allow inspection by an animal control officer of the pens, cages, or other facilities and property on which the animals are to be kept before issuance of the permit and at any reasonable time requested thereafter.
- (2) A permit issued under this Section shall be valid only upon the premises identified on the permit and is nontransferable to any other location or person.
 - (3) A permit issued under this Section shall expire no later than 12 months from the date of issuance, no later than the day the qualifying person ceases to be an active member in good standing with the listed school program or no later than the day said permit is revoked as provided below, whichever should occur first.
 - (4) An animal control officer may deny the issuance of a permit or revoke a permit previously issued based on any one of the following:
 - (a) False information is provided on the application for the permit.
 - (b) Two or more convictions for violations of this Chapter by the student or the student's parent or guardian.
 - (c) If the animal control officer determines, in the officer's sole judgment, that the animal(s) cannot be or are not being kept at the location in a manner which does not create a nuisance, public health hazard or otherwise violate any other provision of this Chapter.
 - (d) Graduation of the student from high school or the student otherwise not being enrolled in good standing in the listed school program.

SECTION 2.1000 CARING FOR ANIMALS

2.1001 BASIC CARE FOR ANIMALS

It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary care when needed to prevent suffering, humane care and treatment, or to unnecessarily expose any such animal in hot, stormy, cold or inclement weather.

2.1002 SAFETY OF ANIMALS IN PARKED VEHICLES; REMOVAL IF NECESSARY

It shall be unlawful to leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health or safety. Any animal control officer or police officer is authorized to use reasonable force, including the breaking of a side window, to remove an animal from a vehicle whenever it appears the animal's health or safety is or soon will be endangered, and said neglected or endangered animal shall be impounded.

It shall be unlawful to leave any animal in any standing or parked vehicle unless the animal is safely enclosed within the vehicle; and if the animal is in a standing or parked unenclosed vehicle (including, but not limited to convertibles, pick-up trucks, jeeps, and flatbed trucks), the animal shall be confined by a vented container or cage, or by chain, rope, or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.

2.1003 ABANDONMENT OF ANIMALS

It shall be unlawful for any owner or custodian of any animal to willfully abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person.

2.1004 UNSUPERVISED ANIMALS

If an Animal Control Officer determines that an animal is or will be without proper care because of the owner's injury, illness, incarceration or other involuntary absence, the Animal Control Officer may impound such animal until reclaimed by its owner. The owner is responsible for all costs associated with the impoundment and must pay all costs before the animal is released. If the animal is not reclaimed by the owner within 5 days from the date of impoundment, the animal shall become the property of the City.

2.1005 CAGES, PENS AND ENCLOSURES

Cages, pens and enclosures used to confine animals shall be of sufficient size to maintain all of the animals within such enclosure comfortably and in good health. Said cages, pens and enclosures shall be of a proper material to securely contain all of the animals within such enclosures at all times.

SECTION 2.1100 CRUELTY TO ANIMALS

2.1101 UNLAWFUL ACTIONS

It shall be unlawful for any person to willfully or maliciously strike, beat, abuse, or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering, or death to such animal; except that reasonable force may be used to drive away vicious or trespassing animals. It shall be unlawful to tease, annoy, disturb, molest or irritate an animal that is confined to the owner's premises.

2.1102 POISONOUS SUBSTANCES

It shall be unlawful for any person, except a licensed veterinarian for humanitarian purposes, to administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this Section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.

2.1103 VIOLATION

If any person is found guilty of having violated any part of Section 2.1100 of this Chapter, any license or permit held by such person under this Chapter shall be automatically revoked.

SECTION 2.1200 SANITATION2.1201 MAINTAINING SANITARY CONDITIONS ON PUBLIC PROPERTY

It shall be unlawful for any owner or custodian of any animal to cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners or condominium association, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:

- (a) Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
- (b) Removal of such bag or container to the property of the animal owner or custodian and disposition thereafter in a manner as otherwise may be permitted by law.

2.1202 MAINTAINING SANITARY CONDITIONS ON PRIVATE PROPERTY

It shall be unlawful for any person owning, harboring or keeping an animal within the City to permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.

2.1203 MAINTAINING SANITARY CONDITIONS

It shall be unlawful for any person owning, harboring, keeping, or in charge of any animal to cause unsanitary dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities.

SECTION 2.1300 LICENSING OF DOGS AND CATS**2.1301 LICENSE REQUIRED**

It shall be unlawful for any person to own, keep, or harbor any dog or cat over the age of four (4) months within the City unless such dog or cat is has been issued a valid, current license by the City of Round Rock.

2.1302 APPLICATION

Application for such license shall be made by the owner to the City within ten (10) days after acquiring any dog or cat over four (4) months of age or within ten (10) days after a dog or cat becomes four (4) months of age; provided that any owner moving to the City for the purpose of establishing residence or becoming a resident as a result of any annexation, and otherwise required to obtain a license, shall have until ten (10) days after moving or annexation to obtain such a license.

2.1303 PROOF OF RABIES VACCINATION REQUIRED

All owners applying for a license must present a written Certificate of Anti-Rabies Vaccination by a registered veterinarian duly licensed to practice by the Texas Board of Veterinary Medical Examiners, or must otherwise show to the satisfaction of the licensing authority of the City that the animal for which the license is being obtained has been inoculated against rabies in compliance with Section 169.29 of the Texas Administrative Code. Said certificate must show the name and address of the owner of said dog or cat containing a description of the color, breed, sex and weight of said dog or cat together with the kind and amount of vaccine used and the date of administration, and certifying that said dog or cat was so vaccinated and immunized against rabies.

It shall be unlawful for a dog or cat to be present in the City and not be vaccinated against rabies. Every owner of a dog or cat shall furnish proof of rabies vaccination upon request by an Animal Control Officer. Failure to furnish proof upon request shall create a presumption that the animal has not be vaccinated for rabies. Additionally, an animal found in violation of Section 2.1309 shall create a presumption that the animal has not been vaccinated against rabies. The owner of the animal shall be responsible for the offense and no culpable mental state is required.

2.1304 PROOF OF STERILIZATION

Any owner claiming that his dog or cat has been spayed or neutered must show to the satisfaction of the licensing authority of the City that such operation has been performed.

2.1305 PAYMENT OF LICENSE FEE

A license fee shall be paid at the time of making application as required by the licensing authority of the City. The following fee schedule applies per animal licensed:

Sterilized Animal	\$5.00
Non-Sterilized Animal	\$10.00

2.1306 EXPIRATION AND RENEWAL

A dog or cat license shall be valid for one year after the date it was issued and shall be renewed no later than the date of its expiration.

2.1307 EXEMPTION FROM LICENSE FEE

License fees shall not be required for Seeing Eye dogs, government police dog or dogs belonging to a nonresident of the City and kept within the boundaries of the City for not longer than ten (10) days; provided that all dogs of nonresidents shall at the time of entry into the City be properly vaccinated against rabies, and while kept within the City, meet all other requirements of this Chapter. Service dog means a dog that is professionally and specifically trained to aid or assist physically disabled persons by an organization recognized as reputable and competent in training such animals when the dog is owned and used for that purpose by a physically disabled person who has satisfactorily completed a specific course of training in the use of the dog. Any owner claiming any of these exemptions has the burden of proving to the satisfaction of the licensing authority that the dog or cat in question is entitled to such exemption.

2.1308 ISSUANCE OF LICENSE TAGS

Upon payment and acceptance of the license fee and proof of rabies vaccination, the licensing authority of 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.

2.1309 REQUIREMENT THAT TAGS 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 the neck of the dog. Cats are not required to wear a license tag.

2.1310 USE OF LICENSE TAGS

It shall be unlawful for any person to use a license for any animal other than the animal for which the license was issued. It shall also be unlawful for any person to remove from the neck of any dog or cat the license tag issued pursuant to this Section, or alter such tag in any manner.

2.1311 CHANGE OF OWNERSHIP

If there is a change in ownership of a licensed dog or cat, the new owner shall have the license transferred to his name. Application for such transfer shall be made to the licensing authority of the City, and be accompanied by the required fee.

2.1312 LOST OR DESTROYED TAGS

If such tag is lost or destroyed, the owner shall apply to the licensing authority of the county for a new tag by presentation of the applicable vaccination-registration certificate accompanied by the required fee.

(Ordinance No. G-05-10-27-12A1 of October 27, 2005)

SECTION 2.1400 RESTRAINT AND CONFINEMENT – GENERALLY2.1401 RESTRAINT OF ANIMALS

- (1) It shall be unlawful for any animal to be at large. An owner of an animal found to be at large shall be responsible for the offense and no culpable mental state is required.
- (2) It shall be an affirmative defense to prosecution under Subsection (1) that the animal was a feral cat participating in a trap, neuter, and return program approved by the city. “Feral cat” means any homeless, wild, or untamed cat.

(Ordinance No. G-07-11-20-10C1 of November 20, 2007)

2.1402 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.

2.1403 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 (10) feet of any street, park or other public land or within ten (10) feet of any sidewalk, public passageway or building. An animal tied or staked in violation of this paragraph shall be considered at large in violation of 2.1401.

If an animal is tied or staked, regardless of location, it shall be unlawful for the tie, tether or chain securing the animal to be less than ten (10) feet in length. If a chain is used, it shall be unlawful for the chain to weigh more than one-quarter the weight of the animal.

It shall be unlawful to tie, tether, chain, stake or fasten an animal in such a manner as to cause it injury or pain or not permit it to reach shelter, food or water. The owner of the animal or the person actually tying or staking the animal shall be responsible for the offense.

2.1404 INVISIBLE AND ELECTRONIC FENCES

It shall be unlawful to use an invisible or electronic fence as the sole method to restrain an animal in accordance with this Section unless the following conditions are complied with:

- (1) A sign must be posted within restraint area that indicates an animal is being restrained by an invisible or electronic fence and the type of animal being restrained. This sign must be clearly visible from the street or other public place outside of the restraint area.
- (2) The invisible or electronic fence must be aligned in a manner which does not allow the animal to come within ten (10) feet of any street, park or other public land or within ten (10) feet of any sidewalk, public passageway or building.

An animal restrained in violation of this section shall be considered at large in violation of 2.1401.

2.1405 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. Said leash or chain shall not be longer than twenty-five (25) feet in a public park and shall not be longer than six (6) feet on or in any other place. An animal that is not restrained in compliance with this section shall be considered at large in violation of 2.1401.

2.1406 PREVENTING AN ANIMAL FROM BECOMING A PUBLIC NUISANCE

It shall be unlawful for any owner or custodian of any animal to fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

2.1407 RESTRAINT WHEN ANIMAL IN HEAT

Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

2.1408 QUARANTINING OF ANIMALS EXPOSED TO RABIES

Any dog or cat that has rabies, or symptoms thereof, or that is suspected of having rabies, or that has been exposed to rabies, shall be handled in a manner consistent with state law

regarding the disposition of animals exposed to rabies. It shall be unlawful for any owner to fail to comply with a quarantine requirement or condition, including a home quarantine authorized by an animal control officer. If an owner fails to comply, in addition to any criminal penalties, the animal shall be immediately seized and impounded.

2.1409 ANIMALS AT FOOD ESTABLISHMENTS

It shall be unlawful for an owner of any animal to allow or permit such animal to enter, be or remain within any store, restaurant, café, shop, building, structure or place where food is offered for sale, displayed, served or handled for human consumption.

It shall be unlawful for any manager, clerk, employee, owner or operator of any place where food is offered for sale, displayed, served or handled for human consumption to allow or permit any animal to enter, be or remain within said place.

Support animals such as guide dogs that are trained to assist an employee or other person who is handicapped and patrol dogs accompanying police or security officers shall be exempt from this subsection.

2.1410 PROHIBITING DOGS AT SPORTING AND RECREATIONAL EVENTS

It shall be unlawful for an owner any of dog to allow said dog to be situated or remain within one-hundred (100) feet of any playing field or area at a city-owned park or other city-owned property while an organized sporting or recreational event is in progress on said playing field or area. Evidence that the dog was restrained by a leash, chain, rope, voice command, cage, or any other means is no defense to an offense under this section.

SECTION 2.1500 RESTRAINT OF GUARD DOGS

2.1501 CONFINEMENT OF GUARD DOGS

Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a fence at least six (6) feet in height and shall be topped with an anti-climbing device constructed of angle metal braces with at least three (3) strands of equally separated barbed wire stretched between them.

2.1502 AREAS OF CONFINEMENT

All anti-climbing devices shall extend inward at an angle of not less than forty-five (45) degrees nor more than ninety (90) degrees when measure from the perpendicular. The areas of confinement shall all have gates and entrances thereto securely closed and locked, and all fences properly maintained and escape proof.

2.1503 WARNING SIGN REQUIRED

It shall be unlawful for any person to leave any guard or attack dog unattended in any place inside any building unless a warning sign has been placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the premises, warning that a guard or attack dog is present. It shall be unlawful for any person to leave any guard or attack dog unattended in any place outside a building without a warning sign placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the place to which the dog has access, warning that a guard dog or attack dog is present.

2.1504 EXEMPTION

The provisions of this Section shall not apply to dogs owned or controlled by government law enforcement agencies.

SECTION 2.1600 DANGEROUS ANIMALS2.1601 NUISANCE DECLARED

It is hereby declared to be a public nuisance for an owner or other person to harbor, keep, or maintain a dangerous animal in the City unless the owner complies with the requirements of this section.

2.1602 OFFENSE

It shall be unlawful for any person to own, keep, or harbor a dangerous animal within the City. For purposes of this Section, a person is the owner of a dangerous animal when the owner knows of an unprovoked attack committed by the animal against a person or another animal, or when the animal has been determined to be dangerous by the Court under this Section or any other court or determining body.

2.1603 DEFENSES

In response to the determination that an animal is a dangerous animal, it is a defense that:

- (a) The threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal;
- (b) The person was teasing, tormenting, abusing, or assaulting the animal or has, in the past been observed or reported to have teased, tormented, abused, or assaulted the animal;
- (c) The person was committing or attempting to commit a crime;

- (d) The animal attacked or killed was at the time teasing, tormenting, abusing or attacking the alleged dangerous animal;
- (e) The animal was protecting or defending a person within immediate vicinity of the animal from an unjustified attack or assault;
- (f) The animal was injured and responding to pain; or
- (g) The animal was protecting its offspring, itself, or its kennelmates.

2.1604 COMPLAINTS

Should any person desire to file a complaint concerning an animal which is believed to be a dangerous animal, a sworn, written complaint must first be filed with an animal control officer containing the following information:

- (1) Name, address, and telephone number of complainant and other witnesses;
- (2) Date, time, and location of any incident involving the animal;
- (3) Description of the animal;
- (4) Name, address, and telephone number of the animal's owner, if known;
- (5) A statement describing the facts upon which such complaint is based;
- (6) A statement describing any incidents where the animal has exhibited dangerous propensities in past conduct, if known.

2.1605 INVESTIGATION

After a sworn complaint is filed with the animal control officer, the animal control officer shall investigate the complaint and if there be sufficient evidence to believe the animal is dangerous, the animal control officer may file a complaint with the Municipal Court of the City of Round Rock and request the Judge of the Municipal Court to set a time and place for a hearing for a determination.

2.1606 HEARING

(1) Jurisdiction

The jurisdiction for the determination of a dangerous animal in a proceeding brought under this Chapter shall be vested in the Round Rock Municipal Court.

(2) Notice

If a complaint is filed by an animal control officer with the Municipal Court, the clerk of the court shall set the case for a hearing and shall give notice of the hearing to the owner of the animal in the complaint by personal service or certified mail, return receipt requested, a least ten (10) days prior to the hearing date. Personal service may be completed by the animal control officer.

(3) Impoundment Pending Hearing

If the animal has not already been impounded, the animal control officer shall seize and impound the animal upon personal service of the notice of hearing on the owner or three (3) days after the notice of hearing is mailed to the owner by certified mail, return receipt requested. It shall be unlawful for a person to possess and fail to release to an animal control officer an animal that has been made the subject of a hearing under this Section. No person shall be allowed to reclaim the animal while a hearing under this Section is pending.

(4) Purpose of Hearing

The purpose of the hearing is for the Court to determine if the animal specified in the complaint is a dangerous animal.

(5) Result of Hearing

(a) If the Court finds that the animal is a dangerous animal:

- (i) the Court shall order that the animal be destroyed or permanently removed from the City, based on the least restrictive means necessary to protect the public health, safety, and welfare of the community according to all of the evidence presented.
- (ii) if the owner is not present at the hearing, the clerk shall notify the owner of that decision as well as the ordered disposition of the animal by personal service or certified mail, return receipt requested. Personal service may be completed by the animal control officer.
- (iii) the Court shall order that the owner of the animal pay any fees due for the impoundment of the animal within 30 days of the order.
- (iv) if the Court orders the removal of the animal from the City, the owner shall have five (5) days from the date of the order to remove the animal. The owner must provide proof of the removal to the Court within five (5) days after the deadline to remove. If adequate proof is not provided to the Court within the required time, an animal control officer shall investigate and if the animal

is found within the City, the animal control officer shall be authorized to immediately seize and impound the animal. Upon impoundment of such animal, the animal becomes the property of the City and it shall be humanely destroyed. If the animal has been previously removed from the City or is not present in the City on the date of the hearing, the Court shall order that animal shall be permanently banned from the City and not be allowed to return.

- (v) if the Court orders the destruction of the animal, the clerk or the animal control officer shall notify the facility where the animal is kept.
- (b) If the Court finds that the animal is not a dangerous animal, the animal shall be released to the owner upon payment by the owner of any fees due.
- (6) Unlawful to Disobey Court Order

It shall be unlawful for a person to possess and fail to release an animal that has been ordered destroyed or removed by the Court to an animal control officer.

2.1607 LAW ENFORCEMENT DEFENSE

It is a defense to enforcement under this Section that the person is an employee of the institutional division of the Texas Department of Criminal Justice or of a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes; provided however, that for any person to qualify for this defense, that person must be acting within the course and scope of his or her official duties as regards to the dangerous animal.

2.1608 OTHER DEFENSES

It is a defense to enforcement under this Section that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter or person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody or control of the animal; provided however, that for any person to qualify for this defense, that person must be acting within the course and scope of his or her official duties as regards to the dangerous animal.

SECTION 2.1700 SALE OF ANIMALS**2.1701 COMMERCE IN LIVE ANIMALS**

It shall be unlawful for any person to sell, trade, barter, lease, rent, give away or display for commercial purposes a live animal on a roadside, public right of way, sidewalk, street, parkway or any other public property or any property dedicated to public use, a commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale or similar event. This Section does not apply to a sale held on privately owned property with the written permission of the owner of the property or a parking lot where the seller has the parking lot owner's written permission.

2.1702 CONDITION OF SALE

It shall be unlawful for any person to sell, trade, barter, lease, rent, give away or display for commercial purposes an animal that is kept in a cage or pen of any type unless the following conditions are met:

- (a) The cage or pen must be large enough for the animal to stand on all of its legs and hold its head in a natural position and not be in a crouched position. The cage or pen must also have enough room for the animal to turn around or move without stepping on another animal, animal feces or food or water provided for the animal.
- (b) The cage or pen must have water and food contained therein or have water and food situated so that the animal has access to it through the cage or pen.
- (c) The cage or pen must be situated so that air may circulate through it, so that any animal kept therein is not exposed to extreme heat. During cold or inclement weather, cages or pens shall be situated so that animals contained therein shall stay warm and dry.

2.1703 SALE OF DYED ANIMALS

It shall be unlawful for any person to sell, offer for sale, raffle, offer or give as a prize, premium or advertising devise, give away or display any animal that has been dyed or otherwise artificially colored.

SECTION 2.1800 PROPERTY OWNERS MAY IMPOUND

Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner 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. Animal Control shall dispatch an animal control officer to take possession of the animal.

SECTION 2.1900 IMPOUNDMENT**2.1901 REASONS FOR IMPOUNDMENT**

In addition to any other remedies provided in this Chapter, an animal control officer or a police officer may seize, impound, and humanely confine to an animal shelter or hospital any of the following animals:

- (1) Any dog or cat without a valid license tag;
- (2) Any animal at large;
- (3) Any animal constituting a public nuisance or considered a danger to the public;
- (4) Any animal that is in violation of any quarantine or confinement order of the City's chief health officer;
- (5) Any unattended animal that is ill, injured, or otherwise in need of care;
- (6) Any animal that is reasonably believed to have been abused or neglected;
- (7) Any animal that is reasonably suspected of having rabies;
- (8) Any animal that is charged with being potentially dangerous, or dangerous where an animal control officer determines that there is a threat to public health and safety;
- (9) Any animal that a court of competent jurisdiction has ordered impounded or destroyed;
- (10) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.
- (11) Any exotic or wild animal that is kept illegally.
- (12) Any animal that is in violation of this Chapter or whose owner is in violation of this Chapter.

2.1902 ISSUANCE OF NOTICE OR CITATION

In addition to, or in lieu of, impounding an animal found at large, an animal control officer or a police officer may issue to the known owner of such animal a citation for a violation of this Chapter.

2.1903 LENGTH OF IMPOUNDMENT

Except as provided in Sections 2.1000 and 2.1600, the City shall keep licensed dogs and cats impounded for not fewer than seven (7) business days and unlicensed impounded animals for a minimum of seventy-two (72) hours, before disposing of said dog or cat without the consent of the owner.

2.1904 IMPOUNDED ANIMAL BECOMES PROPERTY OF CITY

Any animal impounded in the animal shelter for a period exceeding the times laid out in this Chapter shall become the property of the City and shall be placed for adoption or humanely euthanized. The adoption fee for all animals is \$75.00 per animal adopted. Any livestock kept over 72 hours may be sold or auctioned to cover the costs of impoundment and boarding.

2.1905 SICK OR INJURED ANIMALS

When an animal is not wearing a tag of any kind so that the rightful owner cannot be notified of their animals' injuries, obviously sick or injured animals may be humanely euthanized.

2.1906 RECLAIMING ANIMALS AND IMPOUNDMENT FEES

An owner reclaiming an impounded animal shall pay all impounding fees, vaccination fees, and boarding fees for animals before they shall be returned to the owner. The following fee schedule applies per animal impounded:

Impound Fee 1 st Offense	\$20.00
Impound Fee 2 nd Offense and Subsequent Offenses	\$25.00
Boarding Fee per each 24 Hour Period or Portion Thereof	\$10.00
Rabies Quarantine Boarding Fee	\$15.00/day
Medical Costs	Actual Costs Incurred

2.1907 AUTHORITY TO REQUEST AND ISSUE WARRANTS

An animal control officer or peace officer may apply for and obtain a warrant or other legal writ from the municipal judge or justice court to seize any animal alleged to be in violation of this Chapter. The municipal judge or justice of the peace shall have the authority to issue such warrant.

(Ordinance No. G-05-10-27-12A1 of October 27, 2005)

SECTION 2.1900.1 OWNER RELEASED ANIMALS2.1901.1 VOLUNTARY RELEASE

Animal Control is authorized to take possession of any animal released by its owner upon proof that the owner resides within the City, completion of an owner release form and payment of the owner release fee. Regardless of the foregoing, Animal Control is not required to accept an owner released animal if suitable shelter is not available based on (i) current occupancy, (ii) the type of animal, or (iii) the condition of the animal or a reasonable determination is made by the Animal Control Supervisor that accepting the animal is not in the best interest of the City. Upon acceptance of an animal under this subsection, the animal immediately becomes the property of the City. If an owner desires to reclaim a previously released animal and the animal is still in possession of Animal Control and is not in the process of being adopted, the Animal Control Supervisor shall turn the animal to the owner unless the Animal Control Supervisor determines that the return of the animal would pose a danger to the health of the animal or to public safety. The impoundment fees, boarding fees and medical costs incurred as provided by subsection 2.1906 must be paid prior to the return of the animal. The owner release fee shall be \$50.00 per unweaned litter and \$30.00 per weaned animal.

2.1902.1 RELEASE IN LIEU OF IMPOUNDMENT

In lieu of impounding an animal for any reason authorized by this Chapter or other law, Animal Control is authorized to take possession of any animal released by its owner upon completion of an owner release form and payment of the owner release fee. Upon acceptance of an animal under this subsection, the animal immediately becomes the property of the City. No animal released under this subsection will be returned to the owner or a member of the owner's family or household. No animal released under this subsection may be given to any person if the Animal Control Supervisor determines that such release would pose a danger to the health of the animal or to public safety. The owner release fee shall be \$50.00 per unweaned litter and \$30.00 per weaned animal.

(Ordinance No. G-06-08-24-13D1 of August 24, 2006)

SECTION 2.2000 ANIMAL CONTROL ORGANIZATION2.2001 ESTABLISHMENT

The Chief of Police shall appoint an animal control officer and such assistants as may be required to enforce this Chapter.

2.2002 SUPERVISOR

The supervisor of animal control is hereby designated as the Local Health Authority for the purposes of Chapter 826, Health and Safety Code, V.T.C.A., (Rabies Control Act of 1982) and shall be responsible for performing duties and responsibilities provided herein.

SECTION 2.2100 ENFORCEMENT2.2101 ENFORCEMENT DUTIES

Animal control officers or other designees of the Chief of Police shall be the enforcement officials for this Chapter. These officials, along with police officers, shall have the authority to act on behalf of the City and Animal Control in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this Chapter.

2.2102 INTERFERENCE WITH ANIMAL CONTROL OFFICER

It shall be unlawful for any person to interfere with any animal control officer or other enforcement official in the performance of his duties.

2.2103 SELF DEFENSE

Upon attack by an animal, an animal control officer can defend him or her self or a complainant, at his or her discretion, taking such means as he or she deems necessary in that situation.

2.2104 PRIVATE PROPERTY

For purposes of discharging the duties imposed by this Chapter, and to enforce the same, an animal control officer or other authorized representative may enter upon private property to the full extent permitted by law, which shall include but not be limited to entry upon private property when in pursuit of any animal which he or she has reason to believe is subject to impoundment pursuant to the provisions of this Chapter or other applicable laws. An animal control officer shall have the right to pursue and apprehend an animal which is at large or a free roaming cat onto private property without first requesting permission from the owner of the property before entering the property or without obtaining a search warrant.

2.2105 ENTRY AND INSPECTION

Whenever it is necessary to make an inspection to enforce any of the provisions of or to perform any duty imposed by this Chapter or other applicable law regarding animals or whenever an Animal Control Officer has reasonable cause to believe that there exists in any building, structure or upon any premises any violations of this Chapter or other applicable law, the Officer is hereby authorized to enter such property at any reasonable time and to inspect the same and to perform any duty imposed upon the Officer by this Chapter or other applicable law, provided that if such property be occupied, the Officer shall first present proper credentials to the occupant and request to enter explaining the reason therefore and obtain permission from said occupant.

Notwithstanding the foregoing, if the Officer has reasonable cause to believe that the keeping or the maintaining of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the Officer shall have the right to immediately enter and make such inspection, whether or not permission to inspect has been obtained. If the property is occupied, the Officer shall first present proper credentials to the occupant and demand entry, explaining the reasons therefore and the purpose of inspection.

Whenever an Animal Control Officer is denied admission to inspect any premises under this Chapter and the Officer cannot determine whether violations exists on the premises, the Animal Control Officer is authorized to request a warrant for the inspection of the premises from the municipal judge, a magistrate, or justice court to enter and inspect the premises.

SECTION 2.2200 VIOLATIONS AND PENALTIES

It shall be a violation of the Chapter to:

- (1) Fail to comply with any provision of this Chapter;
- (2) Fail to comply with any lawful order of Animal Control, an animal control officer, or police officer unless such order is lawfully stayed or reversed.

(Ordinance No. G-03-12-04-7B1 of December 4, 2003)