ORDINANCE NO. 13-3049

AN ORDINANCE AMENDING CHAPTER 18 – ANIMALS, OF THE CITY OF BEDFORD CODE OF ORDINANCES BY REPEALING IT IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 18 – ANIMALS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of Bedford, Texas is committed to ensuring public health, safety, and welfare by encouraging individuals to be responsible pet owners; and,

WHEREAS, the City Council of Bedford, Texas has determined the need to ensure the proper care and safety of animals located within the city limits.

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

SECTION 1. That Chapter 18 – Animals, of the City of Bedford Code of Ordinances is hereby amended in its entirety by replacing said Chapter with a new Chapter 18 – Animals, to read as follows:

CHAPTER 18 - ANIMALS

ARTICLE I. IN GENERAL

Sec. 18-1. Definitions

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

***Adequate Shelter* for domestic animal or pet bird is defined as shelter that would allow the domestic animal or pet bird to remain dry and protected from the elements at all times while providing sufficient ventilation within the shelter.**

***Adoption* is defined as the transfer of ownership from the City of Bedford to a person or organization deemed suitable for the care, custody and control of the animal.**

***Animal* is defined as one or more of the following classifications contained within this Chapter: domestic animal, fowl, livestock, permit eligible non-domestic animal, pet bird, prohibited animal, swine, and wildfowl.**

***Animal Control Authority* is defined as a municipal employee assigned to the Animal Control Division whose duties include those as defined in Article II, Animal Control Division.**

***Animal Shelter Advisory Board* (Board) is defined as a seven member committee consisting of City Council appointees and municipal employees for the purposes of serving as an advisory committee to the Animal Control Authority and the City and also to assist in the permitting processes as outlined in this Chapter.**

***At Large* is defined as any animal not confined to the premises or property of the owner by a structure of adequate construction as to prevent escape or unsolicited contact with humans or animals, or animals not under the control of the owner or other person authorized by the owner to care for the animal, either by leash, cord, chain or similar restraining device.**

***Domestic Animal* is defined as any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild and any animal which can be vaccinated against rabies with an approved rabies vaccine, and any animal which has an established rabies quarantine observation period as established by the Texas Department of Health. Domestic Animal shall include dogs, cats, gerbils, guinea pigs, hamsters, ferrets, rabbits, rodents, non-poisonous reptiles, or non-poisonous snakes of a species which does not reach a length greater than six feet and other species of animals which are sold or retained as a**

household pet, not including birds, fish, skunks, non-human primates, and any other species of wild, exotic, or carnivorous animals, and other that may be restricted by Ordinance.

Enclosure **for the purpose of Article XII "Fierce or Dangerous Animals" is defined as a container or contraption specifically designed for the temporary confinement of a dog, while restricting or limiting human and animal contact. Such structure is not designed for the long term housing of the animal. This definition includes, but is not limited to dog runs, kennels, transportation crates, etc. For all other purposes of this Chapter, the term 'Enclosure' shall be defined as pen, stable, shed or similar type structure.**

Educational Exhibit or Program **is defined as a temporary display or program designed to promote interest and education in wildlife where a permit has been issued by the City authorizing the exhibit or program, including those classified as a prohibited animal, permit-eligible non-domestic animal, or livestock.**

Fierce or Dangerous Animal **is defined as:**

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

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

(3) Any animal that makes an unprovoked attack on another domestic animal that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own.

Fowl **is defined as a bird of the order Gailiformes, which can be used as food. This term includes but is not limited to the common domesticated chicken, duck, geese, turkey, quail, dove, and pheasant.**

Home Observation Period **is defined as the Animal Control Authority permitting an owner to retain custody of an animal suspected of rabies or under investigation as a fierce or dangerous animal for a period of time as set forth in this Chapter, as long as all requirements of the Animal Control Authority are met.**

Hybrid **is defined as the off-spring of two different breeds or species; excepting where both parenting breeds or species are defined as domestic animals.**

Livestock **is defined as domesticated animals of the Family Bovidae (cattle, sheep, goats), and Family Equidae (horses, donkeys, mules).**

Local Rabies Control Authority **is defined as the supervisor over the Animal Control Division is hereby designated as the local rabies control authority in accordance with requirements listed in the Texas Health and Safety Code. In the absence of the Animal Control Supervisor, the officer temporarily serving in that capacity shall assume the duties and responsibilities of the Local Rabies Control Authority.**

Muzzled **is defined as the placement of a wire or leather device over an animal's snout which prevents the animal from biting.**

Obnoxious Odor **is defined as an odor that unreasonably disturbs or interferes with the peace, comfort and repose of neighboring persons of normal sensibilities.**

Owner **is defined as any person owning, keeping, or harboring an animal, or who has custody or control of an animal.**

Permit-Eligible Non-Domestic Animal **is defined as any animal which is now or historically has been found to be wild by nature and not customarily domesticated in the City. This term includes but is not limited to:**

(1) Cebus Appela (capuchin monkeys).
(2) Family Callithricidae (marmosets).
(3) Family Camelidae (llama).
(4) Order Artiodactyla, even-toed hoofed mammals, excluding the domesticated species of the Family Bovidae (cattle, sheep, goats).
(5) Order Perissodactyla, odd-toed hoofed mammals, excluding the domesticated species of the Family Equidae (horses, donkeys, mules and zebras).

Pet Bird **is defined as any tame, warm blooded vertebrate distinguished by having the body more or less completely covered with feathers and the forelimbs modified as wings that was bred in captivity for the sole purpose of being kept for pleasure rather than for utility. This includes, but is not limited to, birds commonly sold in local pet stores.**

Prohibited Animal **is defined as any animal which is now or historically has been found to be wild by nature and not customarily domesticated in the City. Any animal which by definition falls into this category is prohibited from being kept, harbored, or maintained within the city limits, except for those temporarily permitted under this Chapter. This term includes:**

A. Class Mammilia.
- **(1) Order Carnivora.**
  - **a. Family Candidate (dog), excepting Canis Familiarus (domestic dog), and including, but not limited to, the wolf, coyote, jackal, fox.**
  - **b. Family Felidae (cat), excepting Felix Catus (domestic cat) and including, but not limited to, the bobcat, tiger, jaguar, leopard, lion, cougar, mountain lion or panther.**
  - **c. Family Hyenidae (hyena).**
  - **d. Family Ursidae (bear).**
  - **e. Family Procyonidae (raccoons).**
- **(2) Order Probscidea (elephant).**
  - **a. Family Hippopotamidae.**
- **(3) Order Primata (primates), including, but not limited to, chimpanzee, baboon, orangutan, gibbon, and gorilla (Old World and New World), excepting the Family Hominidea (man).**
- **(4) Order Marsupialia including, but not limited to, kangaroos, opossums, koala bears, wallabies, bandicats and wombats.**
- **(5) Order Edentata including, but not limited to, sloths, anteaters and armadillos.**
- **(6) Order Rodentia, including, but not limited to, beavers porcupines and squirrels.**
- **(7) Order Antiodctyla.**
  - **a. Family Suidae – swine including, but not limited to, domestic pigs, pot-bellied pigs, hogs and wild pigs.**
- **(8) Order Artiodactyla.**
  - **a. Family Giraffidae.**

B. Class Aves
- **(1) Order Struthioniformes, including, but not limited to, ostrich, rhea, cassowary and emu.**
- **(2) Order Falconiforms, including, but not limited to, hawks, eagles, falcons and vultures.**

(3) Order Stigiformes – owls.

(4) Wildfowl as defined in Section 18-1 of this Chapter.

C. Class Reptilla.

(1) Order Squamata.

a. Sub-order Septentes – all front and rear fanged venomous snakes and all species of the Families Boidea and Pythonidae.

b. Sub-order Lacertilla – both venomous species of the Family Helodermatidea (Gila Monster and Mexican Bearded Lizard).

(2) Order Crocodilia – crocodile and alligator.

D. Hybrids as defined in Section 18-1 of this Chapter.

E. Any class, order, species of the Animal Kingdom which is venomous to human beings, whether its venom is transmitted by bite, sting, touch or other means, excepting the honey-producing bee, which does not include any strain of killer bee.

***Rabies Exposure* is defined as any bite, scratch, or other situation in which saliva or nerve tissue of a potentially rabid animal enters an open or fresh wound, or comes in contact with mucous membranes by entering the eye, mouth or nose of a human or another animal.**

***Reasonable Medical Care* for a domestic animal or pet bird is defined as appropriate over the counter or veterinary care necessary to treat the applicable medical condition, including veterinary care, prescription medicine, over the counter medicine, or other appropriate or recognized treatment.**

***Secure Enclosure* is defined as a fence or structure of at least six feet in height, forming or causing an enclosure, suitable to prevent the entry of young children and suitable to confine a fierce or dangerous animal in conjunction with other measures which may be taken by the owner, such as tethering of the fierce or dangerous animal. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom, and shall be designed to prevent the animal from escaping the enclosure. Any such enclosure shall be inspected and approved by the Animal Control Authority and by the Building Inspection Department before its use as an enclosure for a fierce or dangerous animal.**

***Swine* is defined as any stout-bodied, short-legged omnivorous mammal with a long, mobile snout and small tail belonging to the Family Suidae. This includes, but is not limited to, the domestic pig, pot-bellied pig, hog and its wild relatives.**

***Quarantine* for the purposes of this Chapter is defined as the sequestering and isolation of an animal in a controlled setting.**

***Unprovoked* with respect to an attack by an animal on a person, is defined as the animal was not hit, kicked or struck by a person with any object or part of a person's body, nor was any part of the animal's body pulled, pinched or squeezed by a person. In the case of an attack on another animal, "unprovoked" is defined as the animal that was attacked was not, at the time of the injury or damage was sustained, teasing, tormenting, abusing or assaulting the animal, or protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.**

***Vaccination* is defined as an injection of a vaccine, approved by the state veterinarian, administered by a legally licensed veterinarian.**

***Wildfowl* is defined as a bird of the Order Gailiformes, used as food or hunted as game, that is living in a state of nature, growing or producing without the aid and care of man, and not**

ordinarily tame or domesticated.

Secs. 18-2 – 18-09. Reserved.

ARTICLE II. ANIMAL CONTROL DIVISION

Sec. 18-10. Animal Control Staff.

The City shall employ an Animal Control Supervisor and Animal Control Officers as may be required. The Animal Control Supervisor and Animal Control Officers shall be assigned to the City Police Department's Animal Control Division and the compensation of such officers shall be as authorized by the City Council. For the purpose of this Chapter, the employees of the Animal Control Division are referred to as the Animal Control Authority.

Sec. 18-11. Duties.

The Animal Control Authority or Police Officer shall impound all animals that may be found staked out or at large in or upon any street, alley, public area, or any vacant or unenclosed lot in the City, and confine them for safe keeping. The Animal Control Division shall maintain a record of all animals received and discharged. When any animal is redeemed from the custody of the Animal Control Division by the owner or his/her designee, such owner or designee shall sign a receipt for the animals so redeemed and shall be required to pay any fees associated with the impoundment and boarding of the animal as set forth in Appendix A of the City Code – Schedule of Fees.

Sec. 18-12. Local Rabies Control Authority.

The supervisor over the Animal Control Division is hereby designated as the local rabies control authority in accordance with requirements listed in the Texas Health and Safety Code. In the absence of the Animal Control Supervisor, the officer temporarily serving in that capacity shall assume the duties and responsibilities of the Local Rabies Control Authority.

Secs. 18-13—18-24. Reserved.

ARTICLE III. ANIMAL SHELTER ADVISORY BOARD

Sec. 18-25. Animal Shelter Advisory Board.

(A) There is hereby created an Animal Shelter Advisory Board to consist of seven members as follows:
- **(1) Three representative of the general public;**
- **(2) One licensed veterinarian;**
- **(3) One representative from an animal welfare organization;**
- **(4) One municipal employee (police supervisor over the Animal Control Division);**
- **(5) One municipal employee whose duties include the daily supervision of the Animal Shelter (Animal Control Supervisor).**

(B) Members of the Board and their successors shall be appointed by the City Council and shall hold office for staggered terms of two years or until their successors are appointed; excepting the municipal employees who shall serve at the pleasure of the City. All board members, except for the municipal employees, shall serve without compensation. The board members representing the general public shall be residents of the City and have resided within the City for 12 consecutive months preceding the appointment. The veterinarian

member shall either be a resident of the City, operate a veterinarian business within the City, or conduct veterinarian services within the City. The representative from the animal welfare organization is not required to be a resident of the City.

Sec. 18-26. Rules; Meetings.

(A) The Board shall promulgate its own rules consistent with the ordinances of the City and laws of this State. The Board shall meet at least six times per year, and such special meetings as deemed necessary.

(B) The Board shall annually select a chairman and a vice-chairman.

(C) Municipal employees assigned to this board shall be non-voting members.

(D) A majority shall constitute a quorum for the transaction of business. Only voting members shall be considered for the purposes of determining a quorum.

(E) A full and complete record of proceedings of this Board shall be kept on file with the City Secretary.

(F) When any Board Member has direct interest in any matter before this Board, such member shall disqualify himself/herself from the item under consideration.

Sec. 18-27. Powers and Duties.

The Board shall have the power and duties as set forth in the City of Bedford Code of Ordinances and as the City Council may from time to time impose upon the Board.

Sec. 18-28. Immunity.

Any Member of the Board acting for the City in the discharge of prescribed duties, shall not thereby be rendered personally liable and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties.

Secs. 18-29—18-39. Reserved.

ARTICLE IV. RABIES

Sec. 18-40. Vaccination Required.

Dogs and cats shall be vaccinated with rabies vaccine prior to four months of age and at regular intervals thereafter in accordance with rules adopted by the Texas Health and Safety Code. Failure of the owner to comply with the requirements of this Article shall constitute a misdemeanor.

Sec. 18-41. Proclamation of Additional Rabies Protection Regulations.

Upon the recommendation of the County Health Officer, the Mayor shall have the authority by proclamation, to make any additional regulations deemed necessary to protect the public from rabies.

Sec. 18-42. Animals Exposed or Suspected of Exposure to Rabies; Quarantine; Disposition; Costs.

(A) A person having knowledge of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies or having knowledge of an animal that the person suspects is rabid, shall report the incident or animal to the local rabies

control authority of the county or municipality in which the person lives, in which the animal is located, or in which the exposure occurs. The report shall include the name, address of any victim and the animal's owner, if known, and any other information which may aid in locating the victim or the animal.

(B) The owner of an animal that is known, reported, or suspected to be rabid, or suspected to have exposed an individual or another animal to rabies, shall submit the animal for quarantine to the local rabies control authority. The local rabies control authority shall quarantine the suspected animal in accordance with rules adopted by the State Board of Health. The local rabies control authority may contract with one or more public or private entities for the purpose of providing and operating a quarantine facility.

(C) The local rabies control authority shall quarantine for at least ten days any animal that the local rabies control authority has probable cause to believe is rabid or is suspected of possibly exposing an individual or another animal to rabies.

(D) In accordance with the Texas Health and Safety Code requirements, if it is determined by a veterinarian that a quarantined animal shows the clinical signs of rabies, the animal shall be humanely destroyed. If the animal dies or is destroyed while in quarantine, the head or brain of the animal shall be submitted to an approved laboratory of veterinary medicine for testing, or if needed, such as in the case of a very small animal, as much of the animal as the testing lab directs.

(E) If at the end of the quarantine or home observation period the animal does not show the clinical signs of rabies, the local rabies control authority shall release the animal to the owner following the quarantine or home observation period if:
(1) The owner has a current rabies vaccination certificate for the animal; or,
(2) The animal is vaccinated against rabies by a licensed veterinarian at the owner's expense.

(F) The owner of an animal that is quarantined shall pay to the City the reasonable costs of the quarantine and disposition of the animal prior to the release of the animal. The owner of a quarantined animal shall have up to three business days after the period of quarantine of the animal has expired to claim the animal. The local rabies control authority shall notify the quarantined animal's owner of the quarantine period ending date and ending date of the three-day holding period after quarantine. These notifications shall occur at the time the animal is impounded for quarantine and at the end of the quarantine period.

(G) If the owner does not claim the animal at the expiration of the three-day post quarantine holding period, the animal shall become the property of the City and made available for disposition under the provisions of this Chapter.

Secs. 18-43—18-54. Reserved.

ARTICLE V. LICENSING

Sec. 18-55. License - Required.

Each dog or cat kept, harbored or maintained in the City shall be licensed annually. Failure of the owner to comply with the requirements of this Article shall constitute an offense.

Sec. 18-56. License - Presentation of Vaccination Certificate.

At the time of application, the dog or cat owner shall present a certificate from a licensed veterinarian verifying the dog or cat's rabies vaccination in accordance with the Texas Health and Safety Code.

Sec. 18-57. License - Application.

The license shall be good for a 12-month period from the date of issuance and shall include the owner's name, address and the dog or cat's breed, color and sex.

Sec. 18-58. License - Fee.

An owner submitting an application for a dog or cat license is responsible for the licensing fee as set forth in Appendix A of the City Code – Schedule of Fees.

Sec. 18-59. License - Issuance.

The Animal Control Authority shall issue a dog or cat license upon the owner satisfying the provisions of this Article.

Sec. 18-60. License - Tag and Collars.

(A) At the time of the licensing, the Animal Control Authority shall provide the owner a certificate and a metal tag for each licensed dog or cat. The tag shall be stamped with the year it was issued along with the corresponding certificate number.

(B) A replacement dog or cat tag shall be issued by the Animal Control Authority upon the determination that the dog or cat is currently licensed and the licensing period is still valid. The dog or cat owner is responsible for the tag replacement fee as set for in Appendix A of the City Code – Schedule of Fees.

(C) Dog and cat licenses and tags shall not be transferable. The death of a dog or cat, or the owner relocating out of the City does not qualify for a refund.

(D) Every dog in the City shall be required to wear a collar displaying the City issued tag.

(E) Failure of the owner to comply with requirements of this Article shall constitute a misdemeanor.

Secs. 18-61—18-69. Reserved.

ARTICLE VI. GENERAL PROVISIONS

Sec. 18-70. Conditions.

In addition to the licensing, rabies and other requirements set forth in this Chapter for animal ownership, any person who owns or is responsible for the care, custody, and control of any animal shall:

(A) Make clean water available to any animal at all times to prevent dehydration.

(B) Provide food of sufficient nutritional value regularly so that any animal being kept shall be maintained in good health and free from malnutrition.

(C) Provide adequate shelter as defined in Section 18-1 for any domestic animal or pet bird kept out-of-doors.

(D) Seek reasonable medical treatment as defined in Section 18-1 for any domestic animal or pet bird suffering from tic or flea infestation or any other obvious illness, injury or communicable disease.

Secs. 18-71—18-79. Reserved.

ARTICLE VII. ANIMALS PER DWELLING OR PROPERTY

Sec. 18-80. Number of Domestic Animals Per Dwelling or Property.

(A) It shall be unlawful for any person to keep, allow, maintain, or harbor more than five domestic animals on a single-family residentially zoned property. Puppies and kittens under six months of age shall not be counted for purposes of this Article.

(B) It shall be unlawful for any person to keep, allow, maintain, or harbor more than three domestic animals for each duplex or multi-family zoned property, or for other zoning classifications, except as authorized by the City's comprehensive zoning ordinance. Puppies and kittens under six months of age shall not be counted for the purposes of this Article.

Sec. 18-81. Number of Fowl Per Dwelling or Property.

(A) It shall be unlawful for a person to keep, allow, maintain, or harbor fowl within the corporate limits of the City in a pen, stable, shed, structure or other enclosure at a distance of less than 50 feet from a residence or dwelling used for human habitation, business, commercial establishment, office, school, hospital or nursing home. The 50-foot requirement does not apply to the fowl owner's residence, business, commercial establishment or office.

(B) It shall be unlawful for a person to keep, allow, maintain, or harbor more than five fowl on a single-family residentially zoned property. Chicks under six weeks of age born on the property shall not be counted for the purposes of this Article.

(C) It shall be unlawful for a person to keep, allow, maintain, or harbor any fowl at any location in the City unless authorized by the City's comprehensive zoning ordinance.

(D) It shall be unlawful to keep, maintain or harbor any fowl in any property zoned or used for duplex or multi-family uses.

Sec. 18-82. Number of Pet Birds Per Dwelling or Property.

(A) It shall be unlawful for a person to keep, allow, maintain, or harbor more than five pet birds on a single-family residentially zoned property. Chicks under six weeks of age born on the property shall not be counted for the purposes of this Article.

(B) It shall be unlawful for a person to keep, allow, maintain, or harbor more than three pet birds on a duplex or multi-family zoned property, or for other zoning classifications, except as authorized by the City's comprehensive zoning ordinance.

Sec. 18-83. Number of Total Animals Per Dwelling or Property Without a Multi-Pet Permit.

(A) It shall be unlawful for a person to keep or harbor more than ten total animals on a single-family residentially zoned property. Puppies and kittens under six months, chicks under six weeks and permit-eligible non-domestic animals shall not be counted for the purposes of this Article.

(B) No person shall keep or harbor more than six total animals on a duplex or multi-family residentially zoned property, or for other zoning classifications except as authorized by the city's comprehensive zoning ordinance. Puppies and kittens under six months that are born on the property, and chicks under six weeks that are born on the property, shall not be counted for purposes of this Article.

Sec. 18-84. Multi-Pet Permitting and Ownership.

(A) ***Issuance.*** **Any person, firm, or corporation wishing to keep more than the permissible number of animals and who does not possess a commercial business permit, may apply for a multi-pet permit. The multi-pet permit shall be applicable for all classes of animals excepting livestock, permit-eligible non-domestics, and prohibited animals.**

In considering each multi-pet permit application, the Animal Control Supervisor shall grant or deny a permit, or shall issue a permit that reduces or modifies the number of animals requested in the application. The determination shall be based on the applicant's ability to adequately care for the animals listed on the permit application. The Animal Control Supervisor may utilize all available local, state or federal regulations, or other guidelines to assist in determining whether to approve or deny the permit application. The multi-pet permit shall be issued provided the applicant meets all of the provisions of this Section and of this Article.

(B) ***Conditions.*** **The following conditions are mandatory for the issuance of and continuance of any multi-pet permit:**

(1) Facilities shall be of sufficient size as to allow each animal to sit, stand and lie in a normal manner and to turn about freely. The size of the facility shall be in proportion to the length and height of the animal and in accordance with federal animal health and welfare regulations.

(2) Adequate food and water shall be provided so that all animals are in good health and free of malnutrition and/or dehydration.

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

(4) The animals and facility shall be kept free of odor or stench that would be offensive or disturbing to a person of normal sensibilities on adjoining, adjacent or neighboring premises.

(5) The animals shall be maintained in a way that does not pose a danger or threat to the health of the community, the animals, or adjacent animals.

(6) The animals shall be compatible with each other and shall not cause noise that would be offensive or disturbing to a person of normal sensibilities on adjoining, adjacent, or neighboring premises.

(7) All animals shall meet the licensing and vaccination requirements of this Chapter.

(8) The applicant, holders of the permit, or other persons residing at the applicant location have not been issued citations for violation of this Chapter on two or more separate occasions within the proceeding 12-month period at the time of application.

(9) Animals covered by the permit have not been impounded on two or more separate occasions within the proceeding 12-month period at the time of application.

(10) All applicable multi-pet permitting fees have been satisfied.

(C) ***Inspections.*** **A site inspection shall be completed prior to the issuance of a permit and every six months thereafter. Unannounced inspections of multi-pet permit locations may be conducted at anytime a permit is in effect. Photographs of the inspection site shall be kept on file with the multi-pet permit.**

(D) ***Revocation.*** **A multi-pet permit may be revoked by the Animal Control Supervisor if upon investigation it is determined that a permit holder has failed to adhere to any of the provisions listed in this Chapter. A holder whose permit has been revoked may not reapply and/or shall be denied a permit for a period of one year from the date of revocation.**

(E) ***Appeal.*** **Any person, firm, or corporation wishing to appeal the decision of the Animal Control Supervisor due to the denial or revocation of a multi-pet permit, may do so by filing an appeal with the Animal Control Supervisor or designee within three business days from the date of denying or revocation of a permit. Such appeal must be in writing and state the**

grounds for appeal, and shall be heard by the Animal Shelter Advisory Board. The appeal may be heard at the next scheduled meeting, so long as enough time is provided to post the scheduled meeting pursuant to the Texas Open Meetings Act, or the Board may call a special meeting to hear the appeal, at the option of the Board. After the hearing, the Animal Shelter Advisory Board may uphold the decision of the Animal Control Supervisor, overrule the decision of the Animal Control Supervisor or amend or modify the decision of the Animal Control Supervisor, as decided by a majority of the voting members of the Board.

(F) ***Violation.*** **It shall be unlawful for any person to violate any provisions of this Article.**

Secs. 18-85 - 18-94. Reserved.

ARTICLE VIII. LIVESTOCK

Sec. 18-95. Livestock Restrictions and Regulations.

(A) It shall be unlawful for a person to keep, allow, maintain, or harbor livestock within the corporate limits of the City in a pen, stable, shed, structure or other enclosure at a distance of less than 50 feet from a residence or dwelling used for human habitation, business, commercial establishment, office, school, hospital or nursing home except for those temporarily permitted under this Chapter. The 50-foot requirement does not apply to the livestock owner's residence, business, commercial establishment or office.

(B) It shall be unlawful for any person to keep, allow, maintain, or harbor any livestock within the corporate limits of the City where there is less than one acre for each head of livestock, except for those temporarily permitted under this Chapter. Newborns under six months of age born on the property shall not be counted for the purposes of this Article.

(C) Watering troughs or tanks containing clean water shall be provided and accessible at all times to livestock. Watering troughs and/or watering tanks shall be equipped with adequate facilities for draining the overflow to prevent the breeding of flies, mosquitoes or other insects.

(D) The feeding of livestock shall be done only in impervious containers or on an impervious platform.

(E) Unconsumed feed shall be removed and disposed of by burial or other sanitary means.

(F) Putrescible material or animal waste shall not be allowed to accumulate on the premises.

(G) ***Violation.*** **It shall be unlawful for any person to violate any provisions of this Article.**

Secs. 18-96 - 18-104. Reserved.

ARTICLE IX. IMPOUNDMENTS

Sec. 18-105. Impounding; Any Citizen Authorized.

Any citizen of the City is authorized to take up and deliver to the Animal Control Authority any animals mentioned in this Chapter that may be found running at large in the City.

Sec. 18-106. Impounding - Redemption on Application.

Any person owning any animal which has been impounded under this Article shall have the right

to take possession of such animal by applying to the Animal Control Authority to include meeting all licensing requirements as set forth in this Chapter, and paying the fees as forth in Appendix A of the City Code – Schedule of Fees.

Sec. 18-107. Impoundment Time and Redemption Requirements.

(A) Any animal held at the City's Animal Control Facility for whom ownership cannot be determined, either through city license registration, rabies vaccination tags or other means, shall be held for a minimum of three business days.

(B) In those cases where ownership can be determined, the Animal Control Authority shall attempt to notify the owner of the animal by either written notice left at the address of record, or by telephone. The animal shall be held for a minimum of three business days after reasonable attempts have been made to notify the owner.

(C) Any animal not claimed or where arrangements to retrieve the animal are not made within three business days after reasonable attempts to contact the owner have been made, shall become the property of the City and made available for disposition under provisions of this Chapter.

(D) Any animal relinquished by the owner to the City shall be immediately available for disposition under the provisions of this Chapter.

Sec. 18-108. Adoption Conditions and Requirements.

(A) The Animal Control Authority shall be authorized to place for adoption animals impounded by the City where the animal appears in good health; however, such decision shall not constitute a warranty of the health or age of the animal.

(B) Any animal with obvious defects or health problem and dogs that habitually run loose or are overly aggressive, will generally not be considered for adoption. Obvious defects that may disqualify an animal for adoption may include, but are not limited to: uncorrectable lameness, contagious skin disease, severe mucus discharge from the nose, and persistent diarrhea.

(C) A person who finds and turns in an at-large animal that is not claimed, shall be given adoption preference. This provision does not include a City employee who impounded the animal in the course of their duties.

(D) Any dog or cat adopted through the City of Bedford Animal Control Facility shall be surgically altered to prevent reproduction. The sterilization shall be performed prior to the release of the dog or cat, excepting females under six months of age or males under eight months of age at the time of adoption. Sterilization may be waived at the time of adoption if the adopter signs an agreement to sterilize the dog or cat by a specified date, and pays the required refundable deposit as set forth in Appendix A of the City Code – Schedule of Fees. The deposit will be automatically forfeited by any adopter failing to provide proof of sterilization by the specified date. A person failing to sterilize and provide proof of sterilization of an adopted dog or cat by the specified date of the adoption agreement constitutes a misdemeanor and authorizes the Animal Control Authority to re-impound the dog or cat and/or issue a citation.

(E) Any dog or cat adopted through the City of Bedford Animal Control Facility shall receive a rabies vaccination prior to the release of the dog or cat, excepting dogs or cats under four months of age at the time of adoption. Rabies vaccination may be waived at the time of adoption if the adopter signs an agreement to vaccinate the dog or cat by a specified date, and pays the required refundable deposit as set forth in Appendix A of the City Code – Schedule of Fees. The deposit will be automatically forfeited by any adopter failing to

provide proof of rabies vaccination by the specified date. A person failing to vaccinate an adopted dog or cat for rabies by the specified date of the adoption agreement constitutes a misdemeanor and authorizes the Animal Control Authority to re-impound the dog or cat and/or issue a citation. Failure to provide proof of vaccination shall create a presumption that the animal has not been vaccinated for purposes of issuing a citation.

(F) Any sterilization and/or vaccination agreement shall contain:
- **(1) date of the agreement;**
- **(2) name, address, and signature of the adopter;**
- **(3) description of the adopted dog or cat;**
- **(4) sterilization completion date:**
  - **a. by the thirtieth day after the date of adoption for adult dog or cat;**
  - **b. by the thirtieth day after a female dog or cat is estimated to reach six months of age; or,**
  - **c. by the thirtieth day after a male dog or cat is estimated to reach eight months of age.**
- **(5) a statement, printed in conspicuous bold print, that sterilization of the dog or cat is required in accordance with the Texas Health and Safety Code, and that a violation of this Chapter is a criminal offense punishable as a Class C Misdemeanor, and;**
- **(6) rabies vaccination completion date:**
  - **a. by the thirtieth day after the date of adoption for a dog or cat at least four months of age; or,**
  - **b. by the thirtieth day after a dog or cat is estimated to reach four months of age.**

(G) All dogs and cats adopted by residents of the City of Bedford shall be licensed as set forth in this Chapter.

Sec. 18-109. Disposition of Animals.

(A) The Animal Control Authority is authorized to:
- **(1) Destroy any animal at the site where it is found, if the animal poses an imminent danger to a person or property.**
- **(2) Impound any animal at large, suspected of being diseased, or endangers the health of a person or another animal.**
- **(3) Euthanize any impounded animal if the Animal Control Authority determines that:**
  - **a. The recovery of the animal from injury, disease or sickness is unlikely;**
  - **b. The animal is unsuitable for adoption as provided for in accordance with this Chapter; and/or,**
  - **c. Necessary for the health and welfare of the animals confined within the Animal Shelter.**
- **(4) Destroy any animal demonstrating the characteristics of having rabies or any animal manifesting a disposition to bite, when such animals are found at large and when reasonable efforts to capture the animal have failed.**

Secs. 18-110 - 18-129. Reserved.

ARTICLE X. UNLAWFUL ACTS

Sec. 18-130. Nuisances – Odor.

It shall be unlawful for any person to allow or permit any animal under their ownership or control to create a nuisance resulting from obnoxious odors.

Sec. 18-131. Nuisances – Noise.

It shall be unlawful for any person to willfully or knowingly harbor or keep on his/her premises or

elsewhere any animal or fowl of any kind that makes or creates an unreasonable disturbance of the neighbors or the occupants of the adjacent premises or people living in the vicinity thereof, or suffer or permit such animal or fowl to make or create disturbing noises by barking, howling, bawling, crowing, or otherwise. A person shall be deemed to have willfully and knowingly violated the terms of this Section if such person shall have been notified by the neighbors or the Animal Control Authority or any police officer of such disturbance and shall have failed to correct such disturbance and prevent its recurrence.

Sec. 18-132. Duty to remove animal waste.

It shall be unlawful for any person to allow or permit any animal under their ownership or control to defecate on public property or the property of others without removing the waste in a proper and sanitary manner.

Sec. 18-133. Unattended animal.

It shall be unlawful for any person to allow or permit any animal under their ownership or control to run at large, be herded or staked out in or upon any street, alley, public area, or private property not owned by the owner or any vacant or unenclosed lot.

Sec. 18-134. Requirements; Animal in heat.

It shall be unlawful for any person to allow or permit any animal under their ownership or control in heat to be allowed on any street, avenue, highway, alley, sidewalk, parkway, or other public place in the City.

Secs. 18-135 - 18-139. Reserved.

ARTICLE XI. ANIMALS IN VEHICLES

Sec. 18-140. Animal in Vehicles.

(A) It shall be unlawful for a person to leave any animal in a standing or parked vehicle in such a way as to endanger the animal's health, safety, or welfare.

(B) The Animal Control Authority or a police officer is authorized to use reasonable force to remove the animal from the vehicle whenever it appears the animal's health, safety, or welfare is, or will be endangered, if the owner of the vehicle cannot be located after reasonable attempts have been made.

(C) Any animal removed from a vehicle under this Chapter shall be taken to the Animal Control Facility, or to a veterinarian, if the animal is in distress and appears to need immediate medical care.

(D) A written notice shall be attached to a vehicle where an animal has been removed. The noticed shall include the name of the Animal Control Authority or police officer, a telephone number where the Animal Control Authority or police officer can be contacted, and the location where the animal may be claimed by the owner.

(E) A person in violation of this Article shall be responsible for the full cost and expenses incurred by the City in the care, medical treatment, impoundment, and disposal of the animal, including any damage caused to a vehicle or property, during the removal of the animal from the vehicle.

(F) It shall be unlawful for a person to transport any animal in an open bed or open trunk of a vehicle upon any roadway or parking lot where the animal is either unsecured or unrestrained, or in a manner that presents a significant risk of harm to the animal or to

others.

Secs. 18-141 - 18-149. Reserved.

ARTICLE XII. FIERCE OR DANGEROUS ANIMALS

Section 18-150. Determination that an Animal is Dangerous.

(A) An animal may be initially declared dangerous by one of the methods set forth below:

(1) Individual Reporting to Animal Control Authority

a. If a person reports an incident in which an animal either (i) makes an unprovoked attack on a person or domestic animal that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or (ii) commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to that person, the Animal Control Authority may investigate the incident. If, after receiving the sworn statements of any witnesses, the Animal Control Authority determines the animal is a dangerous animal, it shall notify the owner of that fact.

b. An owner, not later than the 15th day after the date the owner is notified that an animal owned by the owner is a dangerous animal, may appeal the determination of the Animal Control Authority to a justice, county, or municipal court of competent jurisdiction. An owner may appeal the decision of the justice, county, or municipal court in the same manner as appeal for other cases from the justice, county, or municipal court.

(2) Individual Filing Report in Court

a. A person may report an incident in which an animal either (i) makes an unprovoked attack on a person or domestic animal that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or (ii) commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to that person; to a municipal court, a justice court, or a county court. The owner of the animal shall deliver the animal to the Animal Control Authority not later than the fifth day after the date on which the owner receives notice that the report has been filed. The Animal Control Authority may provide for the impoundment of the animal in secure and humane conditions until the court orders the disposition of the animal.

b. If the owner fails to deliver the animal as required by Subsection (2-a.), the court shall order the Animal Control Authority to seize the animal and shall issue a warrant authorizing the seizure. The Animal Control Authority shall seize the animal or order its seizure and shall provide for the impoundment of the animal in secure and humane conditions until the court orders the disposition of the animal. The owner shall pay any cost incurred in seizing the animal.

c. The court shall determine, after notice and hearing as provided in Section 18-153 "Hearing," whether the animal is a dangerous animal.

d. The court, after determining that the animal is a dangerous animal, may order the Animal Control Authority to continue to impound the dangerous animal in secure and humane conditions until the court orders disposition of the animal under Section 18-153 "Hearing" and the animal is returned to the owner or destroyed.

e. The owner shall pay a cost or fee assessed under Appendix A of the City Code – Schedule of Fees.

(B) Any complaint alleging an animal to have displayed a fierce or dangerous propensity shall be submitted to the Animal Control Authority or a police officer as a written sworn complaint, to include the following information as applicable:

(1) Name, address and telephone number of the complainant and any other witnesses to the incident.
(2) Date, time and location of the incident.
(3) Name, address and telephone number of the animal owner.
(4) Statement regarding the incident, for example: if a person or another animal was attacked, if there were injuries or fatalities, location, and any other descriptive information.
(5) Statement outlining any previous exhibited fierce or dangerous propensities of the animal.
(6) Other facts or circumstances regarding the incident.

(C) During a fierce or dangerous animal investigation, the Animal Control Authority is authorized to take possession or custody of the animal when it is deemed necessary by the Animal Control Authority for the protection of the public's health, safety or welfare.

(D) An animal taken into custody by the Animal Control Authority may be returned to the owner pending the outcome of a determination by the Animal Control Authority, municipal court, or court of competent jurisdiction. A decision to release an animal to the owner shall be based on the totality of the circumstances relating to the investigation, and the owner signing an agreement stating that while the determination or appeal is pending the animal shall be:

(1) Kept inside the owner's dwelling, or if outside, kept under the control of the owner by means of a leash no longer than three feet in length with a collar and leash of strength sufficient to keep the animal restrained; or
(2) Kept in a locked pen and chained; or
(3) Kept in a kennel or similar business that provides facilities which prevent animals from escaping.

Section 18-151. Defense to Finding of Dangerousness.

It is a defense to a finding of dangerousness that the person who was threatened or attacked by the animal at the time of the injury was committing a willful trespass or other tort upon the premises occupied by the owner of the animal or was committing or attempting to commit a crime.

Section 18-152. Immunity.

Any suit brought against any officer or employee because of an act performed in the enforcement of any provision of the fierce or dangerous animal ordinances shall be defended by the attorney for the City until the final termination of the proceedings.

Section 18-153. Hearing and Determination as to Dangerous Animal.

(A) The court, on receiving a report of an incident under Section 18-150 or on application under Section 18-150, shall set a time for a hearing to determine whether the animal is a dangerous animal or whether the owner of the animal has complied with Section 18-154 "Requirements for Owner of Dangerous Animals." The hearing must be held not later than the 10th day after the date on which the animal is seized or delivered.

(B) The court shall give written notice of the time and place of the hearing to:

(1) the owner of the animal, or the person from whom the animal was seized; and
(2) the person who made the complaint.

(C) Any interested party, including the county or city attorney, is entitled to present evidence at the hearing.

(D) Upon hearing all the evidence, the court shall make a determination as to whether or not the animal is a dangerous animal. If the court finds that the animal is a dangerous animal, it shall determine whether the animal owners shall be required to meet the requirements set out in 18-154 "Requirements for Owner of Dangerous Animal" or if the animal should be humanely destroyed. The court may also order specific methods or types of restraint or other requirements.

(E) An owner or person filing the action may appeal the decision of the municipal court, justice court, or county court in the manner provided for the appeal of cases from the municipal, justice, or county court.

Section 18-154. Requirements for Owner of Dangerous Animal.

(A) Not later than the 30th day after a person learns that the person is the owner of a dangerous animal, the person shall:
(1) register the dangerous animal with the Animal Control Authority for the area in which the animal is kept;
(2) restrain the dangerous animal at all times on a leash in the immediate control of a person or in a secure enclosure as defined in Section 18-1;
(3) obtain liability insurance coverage or show financial responsibility in an amount of at least $250,000, which amount may be increased if appropriate to cover damages resulting from an attack by the dangerous animal causing bodily injury to a person or domestic animal and provide proof of the required liability insurance coverage or financial responsibility to the Animal Control Authority for the area in which the animal is kept; and
(4) comply with any applicable municipal or county regulation, requirement, or restriction on dangerous animal.

(B) The owner of a dangerous animal who does not comply with Subsection (A) shall deliver the animal to the Animal Control Authority not later than the 30th day after the owner learns that the animal is a dangerous animal.

(C) If, on application of any person, a justice court, county court, or municipal court finds after notice and hearing as provided by this Section that the owner of a dangerous animal has failed to comply with Subsection (A) or (B), the court shall order the Animal Control Authority to seize the animal and shall issue a warrant authorizing the seizure. The Animal Control Authority shall seize the animal or order its seizure and shall provide for the impoundment of the animal in secure and humane conditions.

(D) The owner shall pay any cost or fee assessed by the municipality or county related to the seizure, acceptance, impoundment, or destruction of the animal. The governing body of the municipality or county may prescribe the amount of the fees.

(E) The court shall order the Animal Control Authority to humanely destroy the animal if the owner has not complied with Subsection (A) before the 11th day after the date on which the animal is seized or delivered to the animal control authority. The court shall order the Animal Control Authority to return the animal to the owner if the owner complies with Subsection (A) before the 11th day after the date on which the animal is seized or delivered to the Animal Control Authority.

(F) The court may order the humane destruction of an animal if the owner of the animal has not been located before the 15th day after the seizure and impoundment of the animal.

(G) For purposes of this Section, a person learns that the person is the owner of a dangerous animal when:
- **(1) the owner knows of an attack described in the definition of Section 18-1 of this ordinance for fierce or dangerous animal;**
- **(2) the owner receives notice that a justice court, county court, or municipal court has found that the animal is a dangerous animal under Section 18-153; or**
- **(3) the owner is informed by the Animal Control Authority that the animal is a dangerous animal under Section 18-150.**

Section 18-155. Registration.

(A) The Animal Control Authority for the area in which the animal is kept shall annually register a dangerous animal if the owner:
- **(1) presents proof of:**
  - **(a) liability insurance or financial responsibility, as required by Section 18-154;**
  - **(b) current rabies vaccination of the dangerous animal; and**
  - **(c) the secure enclosure in which the dangerous animal will be kept; and**
- **(2) pays an annual registration fee of $50.**

(B) The Animal Control Authority shall provide to the owner registering a dangerous animal a registration tag. The owner must place the tag on the animal's collar.

(C) If an owner of a registered dangerous animal sells or moves the animal to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the Animal Control Authority for the area in which the new address is located. On presentation by the current owner of the dangerous animal's prior registration tag and payment of a fee of $25, the Animal Control Authority shall issue a new registration tag to be placed on the dangerous animal's collar.

(D) An owner of a registered dangerous animal shall notify the office in which the dangerous animal was registered of any attacks the dangerous animal makes on people or a domestic animal.

Section 18-156. Attack by Dangerous Animal – Offense of Owner.

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

(B) An offense under this Section is a Class C misdemeanor.

(C) If a person is found guilty of an offense under this Section, the court may order the dangerous animal humanely destroyed by one of the following persons:
- **(1) a licensed veterinarian;**
- **(2) personnel of a recognized animal shelter or humane society who are trained in the destruction of animals; or**
- **(3) personnel of a governmental agency responsible for animal control who are trained in the humane destruction of animals.**

(D) It is a defense to prosecution under this Section 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 animal in connection with that position.

(E) It is a defense to prosecution under this Section 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 animals for law enforcement or corrections purposes.

(F) It is a defense to prosecution under this Section that the person is an animal trainer or an employee of a guard animal company under Chapter 1702, Occupations Code.

Section 18-157. Violation - Not meeting the Requirements for Ownership of Dangerous Animal.

(A) A person who owns or keeps custody or control of a dangerous animal commits an offense if the person fails to comply with Section 18-154 "Requirements for Owner of Dangerous Animal" or Section 18-155 "Registration" or any applicable state or county regulation relating to dangerous animals.

(B) Except as provided by Subsection (C), an offense under this Section is a Class C misdemeanor.

(C) An offense under this Section is a Class B misdemeanor if it is shown on the trial of the offense that the defendant has previously been convicted under this Section.

Section 18-158. Defenses to Prosecution.

(A) It is a defense to prosecution 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 animal in connection with that position.

(B) It is a defense to prosecution 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 animals for law enforcement or corrections purposes.

(C) It is a defense to prosecution that the person is an animal trainer or an employee of a guard animal company under Chapter 1702, Texas Occupations Code.

Secs. 18-159 - 18-164. Reserved.

ARTICLE XIII. EDUCATIONAL EXHIBITS

Sec. 18-165. Educational Exhibit or Program Permit.

It shall be unlawful for any person to have, keep, allow, maintain, or have in his/her possession or under his/her control any prohibited animal, except for those allowed to be permitted under this Article.

Sec. 18-166. Application Process for Educational Exhibit or Program Permit.

(A) An application for a permit to temporarily house and display any livestock, prohibited, or permit-eligible non-domestic animal, for the purposes of a temporary educational exhibit or program as described in this Chapter, shall be made to the Animal Control Authority. This application shall be in writing and upon a form furnished by the Animal Control Authority. A person/entity who desires to temporarily house and display any livestock, prohibited, or permit-eligible non-domestic animal, for the purposes of a temporary educational exhibit or program as described in this Chapter, shall sign the application form verifying that the information provided is accurate and complete.

(B) An application for a permit shall be the responsibility of the applicant and shall be submitted not less than ten working days prior to the beginning date of the desired educational exhibit or program.

(C) The application form shall include the following:

(1) Name, address, and telephone number of the applicant;

(2) The applicant's ownership interest in such an educational display or program;

(3) The proposed location of the educational display or program, and the name, address, and telephone number of the owner of such location, and of the lessee, if any;

(4) The general description as well as the date of birth and/or age of every prohibited animal, livestock, and/or permit-eligible non-domestic animal, which shall be presented or displayed during the educational exhibit or program for which the permit is sought;

(5) Any information known to the applicant concerning vicious or dangerous propensities of such livestock, prohibited and/or permit-eligible non-domestic animals for which the applicant intends to house, display, or present during the educational exhibit or program;

(6) The confinement plan and housing arrangements for the livestock, prohibited and/or permit-eligible non-domestic animals with particular details as to the safety of structure, locks, fencing, and other satisfactory devices which shows a compliance with USDA requirements, or other applicable requirements of this Article;

(7) Noises and/or odors anticipated in the housing or display of the livestock, prohibited and/or permit-eligible non-domestic animal;

(8) Prior history of incidents affecting the public health or safety involving the livestock, prohibited and/or permit-eligible non-domestic animal;

(9) The intended duration of the educational exhibit or program;

(10) Whether or not the educational exhibit or program allows for public contact with any livestock, prohibited and/or permit-eligible non-domestic animal, and if so, the safety measures that will be in place to ensure the health and safety of the public;

(11) Proof of liability insurance coverage or financial responsibility in an amount of at least $250,000, which amount may be increased if needed to cover damages, injury, or death resulting from any livestock, prohibited or permit-eligible non domestic animal, to be in effect the duration of the temporary permit. The insurance shall name the City of Bedford as an additional insured;

(12) Any additional information required by the Animal Control Supervisor at the time of filing such application or thereafter.

(D) Other Laws.

In applying for a permit under this Article, the applicant shall provide all information necessary to confirm that he/she is in compliance with all applicable local, state, and federal laws and regulations regarding such livestock, prohibited and/or permit-eligible non-domestic animals.

Sec. 18-167. Review of Application for Permit.

(A) Copies of any application for permit under this Article shall be sent by the Animal Control Supervisor to the Police Chief, or their designee, for review, and to the City Manager for consideration of approval. Approval of a permit is within the sole discretion of the City Manager. The filing of an application constitutes agreement by the applicant to allow inspection of the premises where the animal is kept or will be kept, for the purposes of determining approval or disapproval of the permit application as well as the continued compliance with the provisions of this Chapter by all participating agencies.

(B) Confinement Regulations.

The Animal Control Supervisor, in consultation with the Police Chief, or their designee, may set regulations in connection with the issuance of permits regarding the size and type of cage or other means of confinement, the distance from the place of confinement to adjoining property, and any other regulations deemed reasonably necessary by the Animal Control Supervisor to ensure the maintenance of humane and sanitary conditions for the animal and the safety of persons and property. In applying the regulations to a given situation, the Animal Control Supervisor shall take into consideration the type, nature, disposition and training of the specific livestock, prohibited and/or permit-eligible non-domestic animals involved.

(C) Permit Restrictions.
A permit shall only be granted where in the opinion of the City Manager conditions exist to reasonably ensure the health, safety, and welfare of the public and the animal's referred to in the permit application. The applicant must show knowledge and ability to properly care for the animals, and a permit shall not be issued to any person who has previously been found guilty of cruelty to animals. The permit shall be non-transferable; it shall apply only to the animal(s) described therein, confined to the location stated therein, and shall be valid only to the person named as the owner or authorized caretaker of the animal(s) and the dates therein.

Sec. 18-168. Inspections.

Unannounced inspections of permitted sites may be conducted at anytime by the Animal Control Authority.

Sec. 18-169. Revocation of Permit.

The Animal Control Supervisor may request the revocation of any permit granted under this Article. The City Manager may, for good cause, revoke any permit or provisions thereof. The permit may be revoked by the City Manager if upon investigation it is determined that the permit holder has failed to adhere to any one of the above provisions listed in this Chapter. In the event it is reasonably necessary to protect against an immediate threat or danger to the public health or safety, the Animal Control Supervisor may request that the City Manager suspend any permit or permits. A person whose permit or permits has been revoked, may not reapply for a permit or permits, for a period of one year from the date of revocation.

Secs. 18-170 - 18-184. Reserved.

ARTICLE XIV. PERMIT ELIGIBLE NON-DOMESTIC ANIMALS

Sec. 18-185. Animals Eligible for Permits.

It shall be unlawful for any person to have, keep, allow, maintain, or have in his/her possession or under his/her control any prohibited animal, except for those allowed to be permitted under this Article.

Sec. 18-186. Application and Fee for Permit-Eligible Non-Domestic Animal.

(A) Any person who desires to keep, allow or maintain one or more permit-eligible non-domestic animal as described in this Chapter, shall make a separate application to the Animal Control Authority for each permit-eligible non-domestic animal. The application shall be in writing and upon a form furnished by the Animal Control Authority and shall sign the application form verifying that the information provided is accurate and complete.

(B) The application form shall include the following:

(1) Name, address, and telephone number of the applicant;
(2) The applicant's ownership interest in such a permit-eligible non-domestic animal;
(3) The proposed location of the permit-eligible non-domestic animal, and the name, address, and telephone number of the owner of such location, and of the lessee, if any;
(4) The general description as well as the date of birth and/or age of the permit-eligible non-domestic animal, for which the permit is sought;
(5) Any information known to the applicant concerning vicious or dangerous propensities of the permit-eligible non-domestic animal;
(6) The housing arrangements for the permit-eligible non-domestic animal with particular details as to safety of the structure, locks, fencing, and other satisfactory devices which shows a compliance with USDA requirements, or other applicable requirements of this Article;
(7) Noises and/or odors anticipated in keeping of the permit-eligible non-domestic animal;
(8) Prior history of incidents affecting the public health or safety involving the permit-eligible non-domestic animal;
(9) Any additional information required by the Animal Control Supervisor at the time of filing such application or thereafter;
(10) Simultaneous with the issuance of the permit for which application has been made, the applicant shall pay a fee in accordance Appendix A of the City Code – Schedule of Fees, for each permit-eligible non-domestic animal requesting to be permitted;
(11) Total number of acreage available for the animal in conjunction with the total number of animals currently or expected to be on the property; and
(12) Simultaneous with the issuance of the permit, the owner of the permit-eligible non-domestic animal shall provide proof of liability insurance coverage or show financial responsibility in an amount of at least $250,000, which amount may be increased if needed to cover damages, injury, or death resulting from a permit-eligible non-domestic animal to be in effect the duration of the permit. The insurance shall name the City of Bedford as an additional insured.

(C) Other Laws.

In applying for a permit under the Article, the applicant shall provide all information necessary to confirm that he/she is in compliance with all applicable local, state, and federal laws and regulations regarding such permit-eligible non-domestic animal.

Sec. 18-187. Review of Application for Permit.

(A) Copies of any application for permit under this Article shall be sent by the Animal Control Supervisor to the Police Chief or their designee for their review, and to the Animal Shelter Advisory Board for their consideration of approval. Approval of a permit is within the sole discretion of the Animal Shelter Advisory Board. The filing of an application constitutes agreement by the applicant to allow inspection of the premises where the animal is kept or will be kept, for the purposes of determining approval or disapproval of the permit application as well as the continued compliance with the provisions of this Chapter by all participating agencies.

(B) Confinement Regulations.

The Animal Control Supervisor, in consultation with the Police Chief, or their designee, may set regulations in connection with the issuance of permits regarding the size and type of cage or other means of confinement, the distance from the place of confinement to adjoining property, and any other regulations deemed reasonably necessary by the Animal Control Supervisor to ensure the maintenance of humane and sanitary conditions for the animal and the safety of persons and property. In applying the regulations to a given situation, the Animal Control Supervisor shall take into consideration the type, nature, disposition and

training of the specific permit-eligible non-domestic animal involved.

(C) Permit restrictions.

A permit shall only be granted where in the opinion of the Animal Shelter Advisory Board, conditions exist to reasonably ensure the health, safety, and welfare of the public and the animal referred to in the permit application. The applicant must show knowledge and ability to properly care for the animal and a permit shall not be issued to any person who has previously been found guilty of cruelty to animals. The permit shall be non-transferable; it shall apply only to the animal described therein, confined at the location stated therein, and shall only be valid to the person named as owner or authorized care taker of the animal and the dates therein.

(D) Term and Renewal of Permits.

Any permit granted under this Article shall be in effect for a period of one year from the date of permit approval. An application for a renewal permit shall be the responsibility of the permit holder and made not less than 45 days prior to the expiration of the existing permit. The application for a renewal permit under this Article shall be the same as the original permitting process.

Sec. 18-188. Inspections.

Unannounced inspections of permitted sites may be conducted at anytime by the Animal Control Authority, with the first inspection being conducted prior to the issuance of the permit. Any permit issued shall undergo a mandatory six-month inspection thereafter. Photographs obtained during the inspection of the premises or provided by the applicant shall be kept on file with the application paperwork.

Sec. 18-189. Revocation.

The Animal Control Supervisor may request the revocation of any permit granted under this Chapter. The Animal Shelter Advisory Board may, for good cause, revoke any permit or provisions thereof. The permit may be revoked by the Animal Shelter Advisory Board if upon investigation it is determined that the permit holder has failed to adhere to any of the provisions listed in this Chapter. In the event it is reasonably necessary to protect against an immediate threat or danger to the public health or safety, the Animal Control Supervisor may request that the Animal Shelter Advisory Board suspend any permit or permits, and in such case the animal referred to in said permit shall be taken into protective custody by the Animal Control Authority. A person, whose permit or permits has been revoked, may not reapply for a permit or permits, for a period of one year from the date of revocation.

Sec. 18-190. Any animal not classified or defined.

Any person wishing to keep, allow, maintain, or harbor an animal not covered by the classifications or definitions of this Chapter may apply to the Animal Control Supervisor. Upon review, the Animal Control Supervisor shall classify or define the animal. Any person desiring to appeal the Animal Control Supervisor's classification shall do so in writing within ten business days of notification of the Animal Control Supervisor's classification. The appeal shall be heard by the Animal Shelter Advisory Board whose decision shall be final.

Secs. 18-191 - 18-204. Reserved.

ARTICLE XV. ENFORCEMENT

Sec. 18-205. Enforcement.

(A) The Animal Control Authority or a police officer shall have the right to enforce any of the

provisions of this Chapter. This shall include the authority to issue a verbal or written warning or citation to any person violating a provision of this Chapter.

(1) Warnings shall include the nature of the violation, the corrective action required, and a time frame for compliance.

(B) The City Council may contract with any person, to take up and impound any animal.

Secs. 18-206-18-219. Reserved.

ARTICLE XVI. DISPOSITION OF FEES

Sec. 18-220. Disposition of Fees.

Money received associated with the fees charged under this Chapter shall be paid to the City and credited to the General Fund.

Secs. 18-221—18-229. Reserved.

SECTION 2. PENALTY

That any person violating any provision of this Chapter may be issued a citation and upon conviction thereof, the person shall be deemed guilty of a misdemeanor and punished as provided in subsection 1-7 of the Code of Ordinance of the City of Bedford. Each 24-hour period of violation, and each separate animal or condition in violation of this Chapter, shall constitute a separate offense.

SECTION 3. SEVERABILITY

That it is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4. EFFECTIVE DATE

That this ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND APPROVED this 8th day of January 2013, by a vote of 7 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

_____

Jim Griffin, Mayor

ORDINANCE NO. 13-3049

ATTEST:

_____

Michael Wells, City Secretary

APPROVED AS TO FORM:

_____

Stan Lowry, City Attorney