

Chapter 2 - ANIMAL CONTROL^[1]

ARTICLE 2.100. - DEFINITIONS

As used in this article, the following words and phrases shall have the meanings respectively ascribed to them:

Animal. Shall mean any living vertebrate creature or invertebrate creature, domesticated or wild, including, but not limited to, mammals (particularly dogs and cats), reptiles, fish, and fowl, but specifically excluding human beings.

Animal Control. Shall mean the animal control section or animal control officer of the City of Hilshire Village, Texas.

Animal Control Officer. Shall mean any person or persons designated by city council to enforce the provisions of this article.

Electronic Containment System and Electronic Leashes. Shall mean any device, system, or technology, including invisible fences, underground wired systems, wireless boundary systems, GPS-based containment collars, remote-activated collars, or any similar electronic or radio-frequency device, designed to cue, stimulate, or deter an animal's movement or prevent an animal from crossing a boundary without the use of a physical wall, fence, enclosure, leash, lead, or other tangible means of restraint.

Fenced Enclosure. Shall mean a physical wall, fence, or other constructed barrier that forms a visible and tangible enclosure, specifically excluding Electronic Containment Systems, Electronic Leashes, or any device that relies solely on electronic, wireless, or GPS-based signals to deter an animal from crossing a boundary.

Leash. Shall mean a physical leash, lead, rope, or similar tangible device used to maintain control of an animal by direct physical connection to a person, specifically excluding Electronic Leashes, remote-activated collars, GPS-based devices, or any electronic, wireless, or radio-frequency system designed to cue, stimulate, or deter an animal's movement without a physical tether.

Livestock. Shall mean any member of the domesticated equine family, including horses, ponies, mules, donkeys and burros, any type of domesticated sheep and goats, and members of the domesticated bovine family, including cows, bulls, and steers.

Owner. Shall mean any person having title to, ownership rights, or custody of any animal, or any person who has, harbors, keeps, or causes or permits to be harbored or kept an animal in his care or custody, or any person who feeds an animal or allows an animal to remain on or about his premises.

Restraint. An animal shall be deemed restrained when it is:

- (1) Confined to the premises of the owner within the building, walled, or fenced enclosure; or

(2) Fastened or picketed by a lead ~~or chain~~, not more than twenty (20) feet in length, so as to keep the animal on the owner's premises; or

(3) Under the control of a person by a leash; or

(4) On or within a vehicle being driven or parked so animal cannot escape.

Running At Large. An animal shall be deemed to be running at large when it is:

(1) Allowed to exit or leave the property of the owner and it is not restrained; or

(2) Allowed to roam upon the streets, alleys, or public grounds of the City of Hilshire Village, Texas; or

(3) Not restrained, as that term is defined in this article.

Vicious Animal. Shall mean any individual animal of any species that has on two (2) previous occasions, without provocation, attacked or bitten any person or other animal; or any individual animal which the animal control officer has reason to believe has a dangerous disposition, or any species of animal which the animal control officer has reason to believe has a dangerous disposition and is likely to be harmful to humans or other animals.

Wild Animal. Shall mean any animal not among the common domestic species, including, but not limited to, skunks, foxes, raccoons, leopards, panthers, cougars, tigers, lions, lynx, ferrets, opossums, and any poisonous or dangerous reptile.

(Ordinance 323, adopted 12/17/87, Section 1; Ordinance 584, adopted May 16, 2006, Section 1)

ARTICLE 2.200. - ENFORCEMENT AUTHORITY

(a) Enforcement of this article shall be the responsibility of the animal control officer or officers, or other persons designated by the city council.

(b) Any animal control officer shall have the authority to issue citations for any violation of this article.

(c) It shall be unlawful for any person to interfere with any animal control officer in the performance of his or her duties.

(Ordinance 323, adopted 12/17/87, Section 2)

ARTICLE 2.300. - RUNNING AT LARGE PROHIBITED; NUMBER OF ANIMALS PERMITTED; SPECIAL RESTRAINT REQUIRED; AUTHORITY TO IMPOUND^[2]

(a) It shall be unlawful for any dog, cat, or other animal possessed, kept, or harbored to run at large.

(b) No owner shall possess, harbor, or keep:

- (1) More than a total of four (4) animals over the age of six (6) months; and/or
- (2) The offspring of such animals [as are permitted in (b)(1)] under the age of six (6) months; provided, the combined total of such animals and their offspring does not exceed twelve (12);
- (3) Animals for breeding for the generation of profit. Livestock are excepted from the provisions of this article and shall be subject to the limitations of [Article 2.1000](#) of this article.

(c) The animal control officer is authorized to impound animals running at large.

(Ordinance 323, adopted 12/17/87, Section 3)

ARTICLE 2.400. - REGISTRATION AND VACCINATION OF DOGS AND CATS REQUIRED^[3]

(a) *Vaccination of Dogs and Cats Required: Metal and Paper Certificates Thereof.* All dogs and cats at least four (4) months of age must be vaccinated for rabies with an anti-rabies vaccine approved by the Texas Department of Health and administered by a veterinarian licensed by the State of Texas and, one (1) year after that, from then on, every dog and cat must be vaccinated every three (3) years.

(1) A metal certificate (rabies tag) of vaccination with the year of vaccination, a certificate number, and the name, address, and phone number of the vaccinating veterinarian must be securely attached to a collar or harness that must be worn by the dog or cat at all times;

(2) In addition to the metal certificate (rabies tag), the official rabies vaccination certificate issued by the vaccinating veterinarian shall be maintained by the owner of the dog or cat, containing the information designated by the Texas Department of Health, including, but not limited to, the owner's name, address, and telephone number, identification of the animal - species, sex, age (four (4) months to twelve (12) months, twelve (12) months or older), size (pounds), predominant breed and colors, vaccine used (producer, expiration date, and serial number), date vaccinated, rabies tag number, and the veterinarian's signature and license number.

(b) *City Registration Procedures and Requirements.* No person shall have within the city any dog or cat over four (4) months of age unless such dog or cat is currently registered with the City of Hilshire Village. A current registration sticker issued by the city must be affixed to the back of the metal certificate of vaccination (rabies tag). No dog or cat shall be registered until it has a current rabies vaccination.

(1) Application for the initial issuance or renewal of each registration must be made by the owner in writing or in person to the city secretary of the City of Hilshire Village, and must be accompanied by the official rabies vaccination certificate, and a fee as provided for in the fee schedule found in the appendix of

this code. If the original current registration certificate is lost or destroyed, the owner may obtain a duplicate from animal control for a charge in accordance with the fee schedule.

(2) Registration certificates shall be issued to run concurrently with vaccination certificates. Registration certificates must be obtained within thirty (30) days of vaccination. The registration certificate shall be valid only for the animal for which it was originally issued.

(3) If there is a change of ownership in a dog or cat currently registered with the city, transfer of registration shall be made upon request of the owner, and there shall be no charge for such transfer.

(4) Fee-exempt registration certificates may be issued for the following:

(A) Police department dogs (not privately owned); or

(B) Dogs trained to assist those with impaired hearing or vision.

(5) Eligibility for fee-exempt registration does not otherwise relieve the owner of responsibility under the provisions of this article.

(c) *Denial of Registration.* The City of Hilshire Village may refuse to register a dog or cat or may revoke a registration issued to any person who has been convicted in a court of the State of Texas of any of the following:

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

(2) Four (4) or more separate violations of this article within a twelve (12) month period.

If requested to do so in writing, the city council shall uphold or overturn a refusal of registration.

(d) *Guard Dogs, Special Provision.* Every person having care or custody of a dog which has received guard training, must register such dog with the city. It shall be unlawful for any person having ownership, occupancy, or control of any property in the city to permit or hire a guard dog to guard such property without such dog having first been registered with the city secretary pursuant to this paragraph. Registration tags identifying the dog as a guard dog must be worn by such animal at all times, and the dog must be securely muzzled and restrained by a leash when not confined or fenced while in actual performance of duties. Any dog which has received guard dog training may be destroyed, if necessary, when such dog is running at large and such animal poses an imminent threat to the public safety or health in the opinion of an animal control officer or a peace officer. The owner, keeper, or person in charge of a guard dog shall be subject to the other provisions of this article.

(Ordinance 323, adopted 12/17/87, Section 4; Ordinance 584, adopted May 16, 2006, Section 2)

ARTICLE 2.500. - IMPOUNDMENT^[4]

(a) *Animals Subject to Impoundment.* The following animals are subject to impoundment:

- (1) Cats or dogs not exhibiting evidence of being vaccinated or registered, as described in [Article 2.400](#) hereof;
- (2) Any animal running at large;
- (3) Any animal treated in a manner determined by an animal control officer to be cruel or inhumane;
- (4) Any animal that has bitten, scratched, or viciously attacked a person, or needs to be placed under observation for rabies, as determined by an animal control officer;
- (5) Any animal in violation of any provision of this chapter.

(b) *Right of Property Owner to Confine, Notification of Animal Control.* If any animal described in subsection (a) of this section is found on the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until he can notify animal control to impound the animal. When so notified, it shall be the duty of an animal control officer to have such animal impounded as herein provided.

(c) *Notification of Animal Owner by Animal Control.* Reasonable effort shall be made by animal control to contact the owner of any animal impounded which is wearing current registration and/or vaccination certificates; however, final responsibility for location of an impounded animal is that of the animal owner.

(d) *Reclaiming of Impounded Animals, Generally.* The owner may reclaim possession of any animal impounded upon payment of impoundment fees, handling fees, and any veterinary expenses incurred by animal control for the welfare of the animal, and upon compliance with the vaccination and registration provisions of this article, except where prohibited in subsections (e) and (f) of this article.

(e) *Reclaiming Animals Impounded on the Grounds of Suspicion of Cruel or Inhumane Treatment.* Animals impounded on the grounds of suspicion of cruel or inhumane treatment by the owner shall be disposed of in accordance with the judgment of a court of competent jurisdiction.

(f) *Reclaiming Animals Under Rabies Quarantine.* If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from such quarantine.

(g) *Designation of Place of Impoundment.* The animal control officer shall select and establish a place for impounding all animals impounded under any provision of this article.

(h) *Disposition of Unreclaimed Animals, Generally.* Any impounded animal not reclaimed by the owner may be humanely destroyed by animal control after being held seventy-two (72) hours, except that any animal wearing current registration or vaccination metal certificates shall be held six (6) days prior to disposition.

(i) *Disposition of Impounded Vicious or Wild Animals.* Any vicious animal impounded, unless there is reason to believe such animal has an owner, may be immediately disposed of as determined appropriate by animal control. Any impounded wild animal, unless such animal is an endangered species, may be immediately disposed of in a manner determined appropriate by animal control. Wild animals that are considered endangered species will be reported to and turned over to the Texas department of parks and wildlife for disposition.

(j) *Disposition of Nursing or Dependent Baby Animals.* Any nursing or dependent baby animal impounded without the mother, or where the mother cannot or will not provide for such baby animal, may be immediately euthanized by animal control to prevent further suffering of such baby animal.

(k) *Adoption of Impounded Dogs and Cats Authorized.* Any impounded dog or cat not wearing current registration or vaccination certificates may be given up for adoption after seventy-two (72) hours, except those under quarantine. Any impounded dog or cat wearing current registration or vaccination certificate may be given up for adoption after being held six (6) days. If the rightful owner of the animal appears within thirty (30) days of adoption, he may redeem the animal by paying the adoptee all documented expenses incurred and reasonable board for the animal.

(l) *Disposition of Injured or Ill Animals.* Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a nonprofit humane organization for the purpose of veterinary medical care, as determined appropriate by animal control.

(Ordinance 323, adopted 12/17/87, Section 5)

ARTICLE 2.600. - IMPOUNDMENT FEES; ADOPTION PROCEDURE FOR DOGS AND CATS

(a) *Impoundment Fees Generally.* Daily impoundment fees for each impoundment within a twelve-month period shall be as provided for in the fee schedule found in the appendix of this code.

Animals not listed hereinabove shall be disposed of at the discretion of animal control. The impoundment fee for any animal impounded more than four (4) times in a twelve-month period will be double the listed fee.

(b) *Quarantine Fee.* The owner of any animal held in quarantine for observation purposes, as hereinafter provided, shall be charged as provided for in the fee schedule found in the appendix of this code for every day or fraction of a day the animal is held at the facility. This fee is in addition to any impoundment fee.

(c) *Adoption Procedures.* An individual may adopt an animal (dogs and cats only) from the city animal shelter under the following conditions:

- (1) The animal has been classified as adoptable by animal control;
- (2) The prospective adopter has proper facilities to care for the animal;
- (3) The prospective adopter obtains all necessary vaccinations and registrations;
and
- (4) The adopter shall pay an adoption fee as provided for in the fee schedule found in the appendix of this code;
- (5) The adopter of any dog or cat must have it vaccinated and register it with the city within five (5) days after adoption.

(d) *Authority to Refuse Permission to Adopt.* The animal control officer may refuse to allow a person to adopt an animal if he has reason to believe the person:

- (1) Would not be able to obtain a registration certificate under the provisions of this article;
- (2) Would not have proper facilities to contain or care for the animal as required by this article;
- (3) Wants the animal for resale or purpose other than personal pet ownership.

(Ordinance 323, adopted 12/17/87, Section 6)

ARTICLE 2.700. - ANIMAL QUARANTINE^[5]

(a) *Authority to Quarantine.* The animal control officer shall have the authority to order quarantine of animals responsible for biting incidents or suspected of having rabies or any zoonotic disease that is considered to be a hazard to the human or animal population.

(b) *Animals Subject to Quarantine; Conduct of Quarantine.* Every animal that bites a human or attacks another animal, or has rabies or any other zoonotic disease, or is under suspicion of having rabies or any other zoonotic disease, shall be immediately confined by the owner, who shall promptly notify animal control or an animal control officer of the place where such animal is confined so that the animal may be placed in quarantine. The owner shall not permit such animal to come in contact with any other person or animal. The owner shall surrender possession of such animal to animal control on demand for supervised quarantine; however, the owner may request permission from the animal control officer for home quarantine as hereinafter provided.

Supervised quarantine shall be at the designated animal shelter, or a veterinary hospital, or by any other method of adequate confinement approved by animal control. The quarantine shall be for a ten (10) day observation period beginning on the date of the bite incident, under the supervision of a licensed veterinarian who shall submit to animal control reports on the quarantined animal's physical condition on the first and last days of the quarantine period. A release from quarantine may be issued if no signs of rabies or other diseases have been observed during the quarantine period.

The owner of an animal subject to quarantine may request permission from the animal control officer for home quarantine if the following criteria can be met:

- (1) Secure facilities must be available at the home of the animal's owner, and said facilities must be acceptable to the animal control officer;
- (2) The animal is currently vaccinated against rabies; and
- (3) A licensed veterinarian must observe the animal and submit reports in the same manner as provided above for supervised quarantine.

(c) *Violation of Quarantine, Cause for Seizure and Impoundment.* The violation of quarantine by any person shall be just cause for seizure and impoundment of the quarantined animal by animal control. It shall be unlawful for any person to interrupt the quarantine observation period of any animal for any reason.

(d) *Investigation of Animal Bite Reports; Killing of Biting Animal Prohibited.* All animal bite reports shall be investigated by animal control. Without the permission of animal control it shall be unlawful for any person to kill or remove from the city limits any animal that has bitten any person or other animal, or that has been placed under quarantine.

(e) *Authority to Direct Disposition of Suspected Rabid Animals.* Animal control shall direct the disposition of any animal suspected of being rabid or of having any zoonotic disease considered to be a hazard to any other animal or human being.

(f) *Surrender of Carcasses of Dead Animals Suspected of Having Rabies.* The carcass of any dead animal exposed to rabies or suspected of having been rabid shall, upon demand, be surrendered to animal control.

(g) *Manner of Disposing of Animals Exposed to Rabies.* Every animal exposed to rabies shall be immediately confined by the owner, who shall promptly notify animal control of the place where such animal is confined and the reason therefor. The owner shall not permit such animal to come in contact with any person or animal. Any animal exposed to rabies shall be handled in one of the following manners:

- (1) Humane destruction with notification to, or under the supervision of, animal control.
- (2) If not currently vaccinated and sufficient justification for preserving the animal exists, the exposed animal should be immediately vaccinated against rabies,

placed in strict isolation under veterinary supervision for six (6) months, and given a booster vaccination one (1) month prior to release from isolation.

(3) If currently vaccinated and sufficient justification exists for preserving the animal, the exposed vaccinated animal should be given a booster rabies vaccination and be placed in strict isolation under veterinary supervision for three (3) months.

These provisions apply only to domestic animals for which an approved rabies vaccine is available.

(h) *Refusal to Surrender Animal, on Demand, for Rabies Control Purposes.* No person shall fail or refuse to surrender an animal for supervised quarantine or humane destruction, as required herein for rabies control, when the demand therefor is made by animal control.

(i) *Notification to Animal Control Upon Escape, Sickness, or Death of Quarantined Animals.* Any person having possession of, or responsibility for, any quarantined animal shall immediately notify animal control if such animal escapes, becomes or appears sick, or dies, and in the case of death of the animal while under quarantine, shall immediately surrender the dead animal to animal control for diagnostic purposes.

(j) *No Wild Animal Will be Placed in Quarantine.* All wild animals involved in biting incidents will be humanely destroyed in such a manner that the brain is not damaged. The brain shall be submitted to the Texas Department of Health for rabies diagnosis.

(Ordinance 323, adopted 12/17/87, Section 7)

ARTICLE 2.800. - WILD ANIMALS

It shall be unlawful to keep or possess any wild animal within the city limits of the City of Hilshire Village, Texas.

(Ordinance 323, adopted 12/17/87, Section 8)

ARTICLE 2.900. - VICIOUS ANIMALS

(a) *Authority to Destroy if Found at Large.* Any vicious animal found running at large may be destroyed by any peace officer or animal control officer in the interest of public safety or health if such animal poses an imminent threat to the public safety or health in the opinion of the animal control officer or a police officer.

(b) *Search and Seizure Warrants Authorized.* The animal control officer shall be authorized to obtain a search and seizure warrant if the owner of a vicious animal that has been involved in a bite incident or is suspected of having rabies or any other zoonotic disease fails to surrender such animal for quarantine purposes or for humane destruction.

(Ordinance 323, adopted 12/17/87, Section 9)

ARTICLE 2.1000. - LIVESTOCK REGULATIONS^[6]

(a) It shall be unlawful for a person to keep swine within the City of Hilshire Village, Texas.

(b) The possession, harboring, or keeping of livestock in the City of Hilshire Village, Texas, is permitted only on tracts or parcels of land of three (3) acres or more in size, provided that no owner shall possess, harbor, or keep more than a total of four (4) livestock animals.

(c) In cases involving a scientific or educational program, a nonprofit organization show, exhibition, or humane activity, or animals owned or controlled by the city, the animal control officer may waive certain requirements of this article.

(d) Any enclosure, pasture, pen, corral, or other restrictive area for livestock shall be of sufficient strength and construction so as to keep such livestock confined. All gates must be of sufficient strength and construction so as to keep livestock confined.

(Ordinance 323, adopted 12/17/87, Section 10)

ARTICLE 2.1100. - SANITARY CONDITIONS REQUIRED, SPECIFIED^[7]

(a) *Animals Not to Create a Public Nuisance or Health Hazard.* The owner or person in possession of animals shall keep yards, pens, and enclosures in which such animals are confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes, or other noxious insects, or in any manner to endanger the public health or safety, or create a public nuisance.

(b) *Defecation by Dogs or Cats.*

(1) It is the duty of each person in control of a dog or cat to promptly remove and dispose of, in a sanitary manner, feces left by such dog or cat.

(2) It shall be the duty of each person in control of a dog or cat to be in possession of materials to remove feces left by such dog or cat.

(3) It is an affirmative defense to prosecution under this section that the person in control of the dog or cat is the owner of the premises, or the owner's agent of the premises, where the dog or cat deposits feces.

(Ordinance 323, adopted 12/17/87, Section 11; Ordinance 584, adopted May 16, 2006, Section 3)

ARTICLE 2.1200. - ANIMAL CARE GUIDELINES

The following are established as guidelines for animal care and are not intended to contravene the provisions for animal cruelty contained in the Texas Penal Code.

(1) *Provision for Food, Shelter and Care, Generally.* No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter, and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(2) *Abuse of Animals; Animal Fighting.* No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(3) *Abandonment.* No owner shall abandon any animal. Any animal left without proper food, water, or shelter for more than seven (7) days shall be considered abandoned. Animal control shall impound any abandoned animal.

(Ordinance 323, adopted 12/17/87, Section 12)

ARTICLE 2.1300. - PENALTY

Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided for in the general penalty provision found in [Section 1.106](#) of this code for violating any provision of this article. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

(Ordinance 323, adopted 12/17/87, Section 13)

ARTICLE 2.1400. - DANGEROUS DOGS^[8]

Sec. 2.1401. - Dangerous Dog Defined.

As used in this article, "dangerous dog" means a dog that:

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

Sec. 2.1402. - Chief of Police To Investigate Incidents; To Rule On Dangerous Dogs; Appeals.

(a) If a person reports an unprovoked attack as described in [Section 2.1401](#), the chief of police or his or her designee may investigate the incident. If, after receiving the sworn statements of any witnesses, the chief of police or his or her designee determines that the dog is a dangerous dog, he/she shall notify the owner of that fact.

(b) An owner, not later than the thirtieth (30th) day after the date the owner is notified that his/her dog is a dangerous dog, may appeal the determination of the chief of police or his or her designee to municipal court of competent jurisdiction. An owner may appeal the decision of the municipal court in the same manner as appeal for other civil cases.

Sec. 2.1403. - Requirements for Owners of Dangerous Dogs.

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

- (1) register the dangerous dog with the chief of police or his or her designee;
- (2) restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure; and
- (3) obtain liability insurance coverage or show financial responsibility in an amount of at least one hundred thousand dollars (\$100,000) to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person.

(b) For purposes of this section, a person learns that he/she is the owner of a dangerous dog when:

- (1) the owner knows of an attack described in [Section 2.1401](#); or
- (2) the owner is informed by the chief of police or his or her designee that the dog is a dangerous dog.

Sec. 2.1404. - Registration of Dangerous Dogs.

(a) The chief of police or his or her designee shall formally register a dangerous dog if the owner:

- (1) presents proof of:
 - (A) liability insurance or financial responsibility as required by [Section 2.1403\(a\)\(3\)](#);
 - (B) current rabies vaccination of the dangerous dog; and
 - (C) the secure enclosure in which the dangerous dog will be kept; and
- (2) pays an annual registration fee as provided for in the fee schedule found in the appendix of this code.

(b) The chief of police or his or her designee shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.

(c) If an owner of a registered dangerous dog sells or moves the dog to a new address within the city, he/she, not later than the fourteenth (14th) day after the date of sale or move, shall notify the chief of police or his or her designee. On presentation by the

current owner of the dangerous dog's prior registration tag and payment of a fee as provided for in the fee schedule found in the appendix of this code, the chief of police or his or her designee shall issue a new registration tag to be placed on the dog's collar.

(d) Every owner of a registered dangerous dog shall notify the chief of police or his or her designee by whom the dog was registered of any attacks the dangerous dog makes on people.

Sec. 2.1405. - Attacks by Dangerous Dog.

(a) A person commits an offense if his/her dangerous dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person. Should the attack cause serious bodily injury or death, the person may be subject to other criminal prosecution under the laws of the State of Texas in a court of competent jurisdiction.

(b) If a person is found guilty of an offense under this article, the court may order that the dangerous dog be destroyed.

(c) In addition to criminal prosecution, a person who commits an offense under this article is liable for a civil penalty as provided for in the general penalty provision found in [Section 1.106](#) of this code. The city attorney may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the City of Hilshire.

Sec. 2.1406. - Defenses.

(a) It is a defense to prosecution under this article that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with and while performing the duties of that position.

(b) It is a defense to prosecution under this article that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes and such person has temporary ownership, custody, or control of the dog in connection with and while performing the duties of that position.

(c) It is a defense to prosecution under this article that the person is a dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agencies Act found at Article 4413 (29bb), Vernon's Texas Civil Statutes and while performing the duties of that position.

(Ordinance adopting Code)

ARTICLE 2.1500. - PREDATORY ANIMAL CONTROL WORK PLAN (COYOTE MANAGMENT PLAN)

(a) Upon satisfaction of the criteria and subject to the limitations and restrictions set forth below, the city council authorizes the city secretary to reimburse up to one-half of a trap set up fee (not to exceed \$125.00) and up to one-half of a coyote removal fee (not to exceed \$125.00 per coyote) to no more than one (1) property owner at a residential address in the city.

(b) In order to qualify for reimbursement, a person must present to the city secretary or her designee, during regular business hours, an affidavit in a form approved by the city secretary that:

- (1) States the name, address and mailing address of the person;
- (2) Identifies the date of the trap set up and/or coyote removal;
- (3) States the amount paid or expenses incurred by the person to set up the trap and/or remove the coyote;
- (4) States the name and address of the person or pest control company, if any, that set up the trap or removed the coyote;
- (5) States the location within city where the coyote was trapped;
- (6) States that the coyote was trapped on land owned by the person;
- (7) States that no bounty has been paid for the coyote; and
- (8) Includes a statement that the person knows that it is an offense to make a false entry in a governmental record.

(c) The city council appropriates the sum of \$4,000.00 for payment of all reimbursements pursuant this policy for the fiscal year 2018-2019. The aggregate reimbursements shall not exceed the sum of \$4,000.00. The reimbursements shall be paid on a first come basis.

(Ordinance 775, adopted 1/15/19, Sections 2—4)

Footnotes:

--- (1) --- **State Law reference**— *Authority of governing body to regulate animals, V.T.C.A., Local Government Code, Sec. 215.001, et. seq.*

--- (2) --- **State Law reference**— *Animals at large, V.T.C.A., Local Government Code, Sec. 214.026.*

--- (3) --- **State Law reference**— *Authority of municipalities to establish rabies control programs, V.T.C.A., Health & Safety Code, Sec. 826.015.*

--- (4) --- **State Law reference**— *Animals at large, V.T.C.A., Local Government Code, Sec. 214.026; Authority of city to regulate the capture and impoundment of animals, V.T.C.A., Local Government Code, Sec. 215.026(c).*

--- (5) --- **State Law reference**— *Rabies reports and quarantine, V.T.C.A., Health & Safety Code, Ch. 826, Subchapter E; Quarantine and impoundment facilities, generally; V.T.C.A., Health & Safety Code, Ch. 826, Subchapter F.*

--- (6) --- **State Law reference**— *Authority of municipality to prohibit or otherwise regulate the keeping of livestock and swine, V.T.C.A., Local Government Code, Sec. 215.026(b).*

--- (7) --- **Cross reference**— *Chapter 6, Health & Sanitation.*

--- (8) --- **State Law reference**— *Authority of city to regulate the keeping of dangerous dogs, V.T.C.A., Health & Safety Code, Ch. 822, subchapter D.*