

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 7, “Animals,” of the Dallas City Code by amending Sections 7-5.5, 7-5.6, 7-5.12, 7-5.13, 7-5.15, 7-5.16, and 7-8.1; amending the ownership requirements for a dangerous or aggressive dog; increasing the time to comply with the requirements for ownership of a dangerous dog or aggressive dog, providing a noncompliance hearing for failing to comply with the requirements for ownership of an aggressive dog; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date. Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subsection (a) of Section 7-5.5, “Requirements for Ownership of a Dangerous Dog; Noncompliance Hearing,” of Article V, “Dangerous Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(a) In addition to complying with the requirements of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, a person shall, not later than the 30 [~~45~~]th day after learning that he is the owner of a dangerous dog:

- (1) have an unsterilized dangerous dog spayed or neutered;
- (2) register the dangerous dog with the director and pay to the director a dangerous dog registration fee of \$250;
- (3) restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;
- (4) when taken outside the enclosure, securely muzzle the dangerous dog in a manner that will not cause injury to the dog nor interfere with its vision or respiration. The muzzle must prevent the dangerous dog from biting any person or animal;
- (5) [~~obtain liability insurance coverage or~~] show acceptable proof of financial responsibility in the amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person. The owner shall maintain proof of financial

responsibility at all times as required by this article. Failure or refusal of the owner to have and maintain proof of financial responsibility in full force and effect is a violation of this article and an offense. The owner may show acceptable proof of financial responsibility by any of the following methods:

(A) Obtaining liability insurance conditioned for payment to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person.

(B) Obtaining a surety bond conditioned for payment to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person.

(C) Obtaining an escrow account conditioned for payment to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person.

(D) Obtaining a certificate of deposit at a financial institution that is insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration and an affidavit stating the certificate of deposit is intended to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person.

(E) Any other proof of financial responsibility deemed acceptable by the judge who heard the appeal under Section 7-5.4[and provide proof of the required liability insurance coverage or financial responsibility to the director];

(6) place and maintain on the dangerous dog a collar or harness with a current dangerous dog registration tag securely attached to it;

(7) have the dangerous dog injected with a microchip implant and registered with a national registry for dogs; and

(8) post a legible sign at the entrance to the enclosure in which the dangerous dog is confined stating "BEWARE DANGEROUS DOG." The aforementioned sign must be purchased from Dallas Animal Services."

SECTION 2. That Subsection (c) of Section 7-5.5, "Requirements for Ownership of a Dangerous Dog; Noncompliance Hearing," of Article V, "Dangerous Dogs," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"(c) The owner of a dangerous dog who does not comply with Subsection (a) shall deliver the dog to the director not later than the 30 [45]th day after learning that the animal is dangerous."

SECTION 3. That Subsection (e) of Section 7-5.5, "Requirements for Ownership of a Dangerous Dog; Noncompliance Hearing," of Article V, "Dangerous Dogs," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

“(e) At the conclusion of the hearing, the municipal court shall:

(1) find that the owner of a dangerous dog is in compliance with Subsection (a) of this section and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner; or

(2) find that the owner of a dangerous dog is not in compliance with Subsection (a) of this section and order the director to seize and impound the dog (if the dog is not already impounded) and to:

(A) humanely destroy the dog if the director determines that the owner has not complied with Subsection (a) of this section by the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later, or release the dog to the owner if the director determines that the owner has complied with Subsection (a) before the 11th day;

(B) humanely destroy the dog if:

(i) the director determines that the owner has not complied with Subsection (a) of this section by the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later;

(ii) the owner of the dog cannot be located before the 15 [~~14~~]th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later; or

(iii) the dog was previously determined dangerous was at large.”

SECTION 4. That Subsection (c) of Section 7-5.6, “Attacks by Dangerous Dog; Hearing,” of Article V, “Dangerous Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(c) At the conclusion of the hearing, the municipal court shall:

(1) find that the dangerous dog did not commit an act described in Section 7-5.1(b)(2)(A) or (B) of this article, and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner; or

(2) find that the dangerous dog did commit an act described in Section 7-5.1(b)(2)(A) or (B) of this article, and order the director to seize and impound the dog (if the dog is not already impounded) and to:

(A) humanely destroy the dog;

(B) humanely destroy the dog if the director determines that the owner has not complied with Section 7-5.5(a) within a period of time designated by the court, or release the dog to the owner if the director determines that the owner has complied with Section 7-5.5(a) within the designated period of time; or

(C) [~~or~~] humanely destroy the dog if the owner of the dog has not been located before the 15 [~~11~~]th day after the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later.”

SECTION 5. That Section 7-5.12, “Definition,” of Article V-a, “Aggressive Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as following:

**“SEC. 7-5.12            DEFINITIONS.**

In this article:

(1)[~~7~~] **AGGRESSIVE DOG** means a dog that on at least one occasion, while not legally restrained, killed or injured a legally restrained domestic animal or livestock.

(2)    **SECURE ENCLOSURE** means a secure enclosure as defined by Texas Health and Safety Code Chapter 822, Subchapter D, as amended.”

SECTION 6. That Subsection (a) of Section 7-5.13, “Determination as an Aggressive Dog,” of Article V-a, “Aggressive Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as following:

“(a) Upon notification of an incident described in Section 7-5.12 of this article, the director shall investigate to determine if a dog is aggressive unless the dog becomes the property of the city. The determination must be based upon an investigation that includes observation and testimony about the dog's actions at the date of the incident, including the owner's or keeper's control of the dog, and any other relevant evidence determined by the director. Observations and testimony can be provided by the animal services officer or by other witnesses who personally observed the dog's actions on the date of the incident. Animal service officers or other witnesses shall sign an affidavit attesting to the observed actions on the date of the incident or other evidence collected and detailed in a report by an animal services officer and agree to provide testimony regarding the dog's actions on the date of the incident if necessary.”

SECTION 7. That Section 7-5.15, “Requirements for Ownership of an Aggressive Dog; Noncompliance Hearing,” of Article V-a, “Aggressive Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as following:

**“SEC. 7-5.15. REQUIREMENTS FOR OWNERSHIP OF AN AGGRESSIVE DOG;  
NONCOMPLIANCE HEARING.**

(a) A person shall, not later than the 30 ~~[15]~~th day after learning that he is the owner of an aggressive dog:

- (1) have an unsterilized aggressive dog spayed or neutered;
- (2) register the aggressive dog with the director and pay to the director an aggressive dog fee of \$250;
- (3) restrain the aggressive dog at all times on a leash in the immediate control of a person or in a secure enclosure;
- (4) when taken outside the secure enclosure, securely muzzle the dog in a manner that will not cause injury to the dog nor interfere with its vision or respiration. The muzzle must prevent the aggressive dog from biting any person or animal;

(5) ~~[obtain liability insurance coverage or]~~ show acceptable proof of financial responsibility in the amount of at least \$100,000 to cover damages resulting from an attack by the aggressive dog causing bodily injury to a person or another animal. The owner shall maintain proof of financial responsibility at all times as required by this article. Failure or refusal of the owner to have and maintain proof of financial responsibility in full force and effect is a violation of this article and an offense. The owner may show acceptable proof of financial responsibility by any of the following methods:

(A) Obtaining liability insurance conditioned for payment to cover damages resulting from an attack by the aggressive dog causing bodily injury to a person or another animal.

(B) Obtaining a surety bond conditioned for payment to cover damages resulting from an attack by the aggressive dog causing bodily injury to a person or another animal.

(C) Obtaining an escrow account conditioned for payment to cover damages resulting from an attack by the aggressive dog causing bodily injury to a person or another animal.

(D) Obtaining a certificate of deposit at a financial institution that is insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration and an affidavit stating the certificate of deposit is intended to cover damages resulting from an attack by the aggressive dog causing bodily injury to a person or another animal.

(E) Any other proof of financial responsibility deemed acceptable by the judge who heard the appeal under Section 7-5.14~~[and provide proof of the required liability insurance coverage or financial responsibility to the director]~~;

(6) place and maintain on the aggressive dog a collar or harness with a current aggressive dog registration tag securely attached to it;

(7) have the aggressive dog injected with a microchip implant and registered with a national registry for dogs;

(8) post a legible sign at each entrance to the enclosure in which the aggressive dog is confined stating "BEWARE AGGRESSIVE DOG." The aforementioned sign must be purchased from Dallas Animal Services.

(b) The owner of the aggressive dog shall renew the registration of the aggressive dog with the director annually and pay an annual aggressive dog registration fee of \$50.

(c) The owner of an aggressive dog who does not comply with Subsection (a) shall deliver the dog to the director not later than the 30th day after learning that the animal is aggressive.

(d) Upon receipt of a sworn, written complaint by any person that the owner of a previously determined aggressive dog has failed to comply with Subsection (a) of this section, the municipal court shall conduct a hearing to determine whether the owner is in compliance with Subsection (a). The hearing must be conducted within 30 days after receipt of the complaint, but, if the dog is already impounded, not later than 10 days after the date on which the dog was seized or delivered. The municipal court shall provide by mail, written notice of the date, time, and location of the hearing to the dog owner and to the complainant. Any interested party may present evidence at the hearing.

(e) At the conclusion of the hearing, the municipal court shall:

(1) find that the owner of an aggressive dog is in compliance with Subsection (a) of this section and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner; or

(2) find that the owner of an aggressive dog is not in compliance with Subsection (a) of this section and order the director to seize and impound the dog (if the dog is not already impounded) and to:

(A) humanely destroy the dog if the director determines that the owner has not complied with Subsection (a) of this section by the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later, or release the dog to the owner if the director determines that the owner has complied with Subsection (a) before the 11th day;

(B) humanely destroy the dog if:

(i) the director determines that the owner has not complied with Subsection (a) of this section by the 11th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later;

(ii) the owner of the dog cannot be located before the 15th day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later; or

(iii) the dog was previously determined aggressive was at large.

(f) Prior to transferring ownership, either inside or outside the city limits, the owner shall notify the director in writing of his or her intention. In addition to written notification if ownership of the aggressive dog is being transferred to a person who resides within the city limits, the new owner must provide proof to the director of complying with Subsection (a) before the aggressive dog can be moved from the previous owner's custody. A person commits an offense if he or she transfers ownership without complying with the requirements of this subsection.

(g) The owner of the aggressive dog is responsible for all costs of seizure, acceptance, and impoundment, and all costs must be paid before the dog will be released to the owner.”

SECTION 8. That Subsection (c) of Section 7-5.16, “Attacks by an Aggressive Dog,” of Article V-a, “Aggressive Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(c) At the conclusion of the hearing [~~investigation~~], the municipal court [~~director~~] shall:

(1) find that the aggressive dog did not commit an act described in Section 7-5.12 of this article, and, if the dog is impounded, order the director to waive any impoundment fees incurred and release the dog to its owner or;

(2) find that the aggressive dog did commit an act described in Section 7-5.12 of this article, and order the director to seize and impound the dog, if the dog is not already impounded, and the aggressive dog will become the sole property of the city and is subject to disposition as the director deems appropriate.”

SECTION 9. That Subsection (e) of Section 7-8.1, “Violations; Criminal and Civil Penalties,” of Article VIII, “Violations, Penalties, and Enforcement,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(e) Unless specifically provided otherwise in this chapter or by state law, an offense under this chapter is punishable by a fine of not less than:

(1) \$50 for a first conviction of a violation of Section 7-2.6(f), 7-2.7(d), 7-3.1, 7-4.2(a), 7-4.5(a), 7-4.6, 7-4.8, 7-7.2, or 7-7.4(a);

(2) \$100 for a first conviction of a violation of Section 7-3.3, 7-4.1(a), 7-4.7, 7-4.10, 7-5.15(a), 7-7.3, or 7-7.5(a); and

(3) \$150 for a first conviction of a violation of Section 7-2.4(b), 7-3.2, 7-4.3(e), 7-4.11, 7-4.14, 7-6.1, 7-6.2, or 7-7.1.”

SECTION 10. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 11. That Chapter 7 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 12. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 13. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 14. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, City Attorney

BY: \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_