

# Memorandum



CITY OF DALLAS

DATE June 6, 2018

TO Honorable Members of the Quality of Life, Arts & Culture Committee: Sandy Greyson (Chair), Mark Clayton (Vice Chair), Rickey D. Callahan, Jennifer S. Gates, Scot Griggs, B. Adam McGough, Omar Narvaez

SUBJECT **Recommended Ordinance for Dangerous and Aggressive Dogs**

## **Summary**

On Monday, June 11, 2018, Ed Jamison, Director of Dallas Animal Services and Ryan Rogers, Assistant Director will brief the Quality of Life, Arts and Culture Committee. The briefings will cover the Dallas Animal Services Dashboard, Recommended Ordinance for Animal Holding Periods, Recommended Ordinance for Dangerous and Aggressive Dogs Proposed Satellite Location for Dallas Animal Services. Briefing materials are attached for your review.

## **Background**

### *Dallas Animal Services Dashboard*

This presentation will give a high-level overview of the current status of some of Dallas Animal Services' most important metrics.

### *Recommended Ordinance for Animal Holding Periods*

This presentation will detail the current problem with the animal holding periods and how the ordinance impedes live release rates. Dallas Animal Services (DAS) has collaborated with the Animal Advisory Commission (AAC) to recommend immediate changes to save lives this summer and increase shelter capacity. The AAC has forwarded this item with a unanimous vote to the Quality of Life, Arts & Culture Committee.

### *Recommended Ordinance for Dangerous and Aggressive Dogs*

This presentation will detail the definition of a dangerous dog, the requirements of the owner of a dangerous dog, the current administrative challenges and proposed amendments. DAS has collaborated with the Animal Advisory Commission and Dangerous Dog Task Force, in the development of these recommendations. The AAC has forwarded this item with a unanimous vote to the Quality of Life, Arts & Culture Committee.

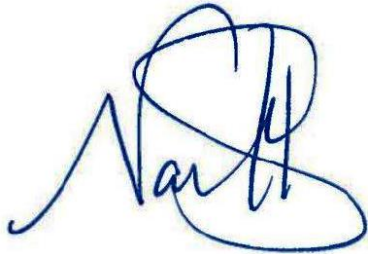
### *Proposed Satellite Location for Dallas Animal Services*

This presentation will discuss Dallas Animal Services' intent to repurpose old fire station #44 (District 7) as a potential satellite location. This will be a pilot program, if approved. This briefing will include justification for a satellite location, potential budget impacts, and future uses should the site be activated. The AAC has express support for site activation.

Date June 6, 2018

Subject **Recommended Ordinance for Dangerous and Aggressive Dogs**

Please feel free to contact me if you have any questions or concerns.



**Nadia Chandler Hardy**  
Chief of Community Services

c: Honorable Mayor and Members of City Council  
T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Billierae Johnson, City Secretary  
Daniel F. Solis, Administrative Judge  
Kimberly Bizer Tolbert, Chief of Staff to the City Manager  
Majed A. Al-Ghafry, Assistant City Manager

Jo M. (Jody) Puckett, P.E., Assistant City Manager (Interim)  
Jon Fortune, Assistant City Manager  
Joey Zapata, Assistant City Manager  
M. Elizabeth Reich, Chief Financial Officer  
Raquel Favela, Chief of Economic Development & Neighborhood Services  
Theresa O'Donnell, Chief of Resilience  
Directors and Assistant Directors

# **Recommended Ordinance for Dangerous and Aggressive Dogs**

**Quality of Life Committee**

**June 11, 2018**

**Ed Jamison, Director  
Dallas Animal Services**



# Meeting Objectives:

- ❖ State of Texas Definition of Dangerous Dog
- ❖ Discuss the Current Issues
- ❖ Provide Overview of Recommended Changes/Additions
- ❖ Draft



# State Definition

*Sec. 822.041. DEFINITIONS. In this subchapter:*

*(2) "Dangerous dog" means a dog that:*

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

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

# Requirements

*Sec. 822.042. REQUIREMENTS FOR OWNER OF DANGEROUS DOG. (a) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:*

- (1) register the dangerous dog with the animal control authority for the area in which the dog is kept;*
- (2) restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;*

# Requirements Continued

*(3) obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority for the area in which the dog is kept; and*

*(4) comply with an applicable municipal or county regulation, requirement, or restriction on dangerous dogs.*

*(b) The owner of a dangerous dog who does not comply with Subsection (a) shall deliver the dog to the animal control authority not later than the 30th day after the owner learns that the dog is a dangerous dog.*



# Current Issues

- Affidavit Requirements Limit DAS;
- Compliance Deadlines Too Long;
- Process is Confusing for Animal Owners/Bite Victims;
- Administrative Process Ends When Owner Surrenders Dog;
- Ordinance Does Not Cover Animal on Animal Attacks;
- Ordinance Allows Removal of Dog from City as an Option for Compliance.

# Proposed Recommendations

- Creating Criminal Penalties for Allowing a Dog to Bite;
- City-Wide Dangerous Dog Registry Open to Public;
- Registry Requirements for Dangerous Dogs Leaving Dallas;
- Additional Penalties for Second Attacks;
- Bond Requirements for Dogs Held Pending Dangerous Dog Designation Outcome;
- Bond Requirements for Dogs Held Pending Dangerous Dog Designation Outcome;

# Proposed Recommendations Continued

- Muzzling When Dog Leaves the Property
- Address Transfer of Ownership of Dangerous Dogs;
- Address Repeat Offenders;
- Additional Penalties for Surrender of Dangerous Dogs;
- Potential for Limiting Dog Ownership for Repeat Offenders;
- Creating Information Packets for Dog Owners/Victims of Dog Bites about Process; and
- Create a New Section for Aggressive Dogs (ARTICLE V-a.)

# Conclusion

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

An ordinance amending Chapter 7, “Animals,” of the Dallas City Code by amending Sections 7-1.1, 7-5.3, 7-5.4, 7-5.5, 7-5.6, 7-8.1, and 7-8.2; by adding Section 7-4.14 and Article V-a; adding a definition; aligning the dangerous dog determination process with state law; providing the presumption of the transfer of ownership for dangerous dogs; deleting removing the dangerous dog from the city as an compliance, amending the standard of review for appeal; providing courts with jurisdiction for appeals; providing an appeal bond; providing notice of responsibility of additional costs to dog owners on appeal; amending the time for compliance for requirements of owning a dangerous dog; providing additional requirements for ownership of a dangerous dog; providing additional requirements for transferring ownership of a dangerous dog; providing a surrender requirement for a dangerous dog that attacks; providing a minimum fine amount for a dog bite conviction; including dog bite convictions in additional enforcement provisions; establishing a criminal penalty for certain dog bites; providing a definition for an aggressive dog; providing a process for determination as an aggressive dog; providing an appeal process for an aggressive dog determination; providing requirements for ownership of an aggressive dog; providing the presumption for the transfer of ownership of an aggressive dog; providing for an investigation and enforcement of an attack by an aggressive dog; amending the providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Section 7-1.1, “Definitions,” Article I, “General,” of Chapter 7, “Animals,” of the Dallas City Code is amended by adding a new subsection 8.1 to read as follows:

“(8.1) BODILY INJURY means physical pain, illness, or any impairment of physical condition.”

SECTION 2. That Article IV, “Specific Requirements For Dogs And Cats,” of Chapter 7, “Animals,” of the Dallas City Code is amended by adding a new Section 7-4.14, “Dog Bites,” to read as follows:

**“SEC. 7-4.14. DOG BITES.**

(a) A person commits an offense if the person is the owner or keeper of a dog and the person fails to secure the dog and the dog makes an unprovoked bite that causes bodily injury to another person that occurs at a location other than the owner’s or keeper’s real property or in or on the owner’s or keeper’s motor vehicle or boat.

(b) An offense under this section is a Class C misdemeanor.

(c) It is a defense to prosecution under this section that the person:

(1) is a veterinarian, a veterinary clinic employee, a peace officer, a person employed by the city, or a subdivision of the city, to deal with stray animals and has temporary ownership, custody, or control of the dog in connection to that position; or

(2) is an employee of a law enforcement agency and trains dogs or uses dogs for law enforcement or corrections purposes and is training or using the dog in connection with the person’s official capacity.”

SECTION 3. That Section 7-5.3, “Determination As A Dangerous Dog,” of Article V, “Dangerous Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

**“SEC. 7-5.3. DETERMINATION AS A DANGEROUS DOG.**

In addition to the provisions of Section 822.0421 of the Texas Health and Safety Code, as amended:

~~(a) [Upon receipt of a sworn, written complaint by any person of an incident described in section 7-5.1(b)(2)(A) or (B) of this article, the director shall investigate to determine if a dog is dangerous.~~

~~(b) If a dog has caused bodily injury to any person, the director may seize and impound the dog at the owner’s expense pending the investigation and a determination of whether the dog is a dangerous dog. If the director cannot, with due diligence locate the owner of the dog that has been seized under this subsection, the director shall impound the dog. If the owner of the dog has not been located before the 15th day after seizure and impoundment, the director may order the dog humanely destroyed.~~

~~(e)] At the conclusion of the investigation authorized by Section 822.0421 of the Texas Health and Safety code, as amended, [required by this section] the director shall:~~

~~(1) determine that the dog is not dangerous and, if the dog is impounded, may waive any impoundment fees incurred and release the dog to its owner; or~~

~~(2) determine that the dog is dangerous and order the owner to comply with the requirements for ownership of a dangerous dog set forth in Section 7-5.5 of this article and in Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, and, if the dog is impounded, release the dog to its owner after compliance with all applicable requirements of Subsection ~~(c)~~(e) of this section.~~;~~or~~

~~(3) determine that the dog is dangerous and order the owner to permanently remove the dog from the city within a designated period of time.~~

~~(b~~d~~) If a dog is determined to be dangerous, the director shall notify the dog owner, either in person or by certified mail, return receipt requested:~~

~~(1) that the dog has been determined to be a dangerous dog;~~

~~(2) [~~whether the dog must be permanently removed from the city and the date by which the dog must be removed;~~~~

~~(3)] what the owner must do to comply with requirements for ownership of a dangerous dog [~~that is allowed to remain in the city]~~ and to reclaim the dog, if impounded; and~~

~~(3~~4~~) that the owner has the right to appeal the determination of dangerousness [~~or any order to remove the dog from the city]~~.~~

(c[e]) An impounded dog determined by the director to be dangerous must remain impounded, or confined at a location approved by the director, and may not be released to the owner until the owner pays all fees incurred for impoundment of the dog and[:

(1) ~~if and while the dog is allowed to remain in the city,]~~ complies with all requirements for ownership of a dangerous dog set forth in this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, ~~]; or~~

(2) ~~if the dog is ordered permanently removed from the city, provides the director, in writing, with the street address, telephone number, and name of the person in control of the location outside the city where the dog will be relocated or other evidence satisfactory to the director that the dog will be permanently removed from the city.]~~

(d[f]) If the owner of an impounded dog has not complied with Subsection (c[e]) within 15[30] days after a final determination is made that an impounded dog is dangerous, the dog will become the sole property of the city and is subject to disposition as the director deems appropriate [director may file a complaint in municipal court under Section 7-5.5 of this article].”

SECTION 4. That Section 7-5.4, “Appeals,” of Article V, “Dangerous Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

**“SEC. 7-5.4. APPEAL[S] OF DIRECTOR’S DANGEROUS DOG DETERMINATION.**

(a) If, under Section 7-5.3 of this article, the director determines that a dog is dangerous ~~[or orders a dangerous dog to be permanently removed from the city],~~ that decision is final unless the dog owner files a written appeal with the municipal, justice, or county court within 15 days after receiving notice that the dog has been determined to be dangerous ~~[or ordered to be removed from the city].~~ The appeal is a de novo hearing [limited to a hearing under the substantial evidence rule] and is a civil proceeding for the purpose of affirming or reversing the director’s determination of dangerousness~~[or affirming, reversing, or modifying the director’s removal order].~~ If the municipal court affirms the director’s determination of dangerousness[allows a dangerous dog to remain in the city], the court shall order that the dog owner comply with the ownership requirements set forth in Section 7-5.5 of this article ~~[and may order additional conditions for maintaining ownership of a dangerous dog].~~

(b) The dog owner filing an appeal of a municipal court’s affirmation of the director’s determination shall also file an appeal bond in an amount determined as the estimated costs to board and impound the dog during the appeal process. The bond must be filed with the court if the dog is impounded in the city’s animal shelter or another director approved facility. The bond must be used to cover the cost of daily care of the dog. Should the judge or jury determine the dog is not dangerous, the appeal bond may be returned if the amount has not been assessed as costs of daily care.

(c) In addition to the appeal bond, the dog owner is responsible for any costs beyond feeding, including but not limited to: veterinary care, immunizations, medications, and care for other animals or employees injured by the animal.”



SECTION 5. That 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:

**“SEC. 7-5.5. REQUIREMENTS FOR OWNERSHIP OF A DANGEROUS DOG; NONCOMPLIANCE HEARING.**

(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 15~~[30]~~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 \$50;
- (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 financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the director;
- (~~6~~[5]) place and maintain on the dangerous dog a collar or harness with a current dangerous dog registration tag securely attached to it;
- (~~7~~[6]) have the dangerous dog injected with a microchip implant and registered with a national registry for dogs; and
- (~~8~~[7]) post a legible sign at each 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.

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

(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 15~~[30]~~th day after learning that the animal is dangerous.

(d) ~~[The owner of a dangerous dog that has been ordered removed from the city shall relocate the dog to a place outside of the city within the time designated in the order. Within five days after the expiration of the time ordered for the dog's removal, the owner shall provide the director with proof of the removal and relocation, or other disposition, of the dog. Such proof must include the owner's written sworn affidavit stating:~~

~~(1) that the dog is no longer located in the city; and~~

~~(2) the name, street address, and telephone number of the person outside of the city in possession of the dog or the details of any other disposition of the dog.~~

~~(e)] Upon receipt of a sworn, written complaint by any person that the owner of a previously determined dangerous dog has failed to comply with Subsection (a) of this section[~~or has failed to remove the dog from the city as required by order of the director or the municipal court~~], the municipal court shall conduct a hearing to determine whether the owner is in compliance with Subsection (a) [~~or with an order of removal, whichever applies~~]. 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[~~, either in person or~~] by mail, written notice of the date, time, and location of the hearing to the dog owner and to the complainant. Any interested party [~~person~~] may present evidence at the hearing.~~

~~(e[f]) 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 [~~or with an order of removal, whichever applies,~~] 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 [~~or with an order of removal, whichever applies,~~] 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) [~~release the dog to the owner if the director determines that the owner will permanently remove the dog from the city before 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, and reseize, impound, and humanely destroy the dog if the owner has not permanently removed the dog from the city by the 11th day; or~~~~

~~(C)] humanely destroy the dog if:~~

(i) the director determines that the owner has [~~will~~] not comply 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 director determines that the owner will not permanently remove the dog from the city before 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~~

(~~iii~~) the owner of the dog cannot be located before the 11[~~15~~]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.

(f) Prior to transferring ownership, either inside or outside the city limits, the owner shall notify the director in writing of his intention. In addition to written notification if ownership of the dangerous 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 dangerous dog can be moved from the previous owner's custody. A person commits an offense if he transfers ownership without complying with the requirements of this subsection.

(g) The owner of the dangerous 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 6. That Subsection (b) 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:

“(b) Upon receipt of a sworn, written complaint by any person of an incident described in Section 7-5.1(b)(2)(A) or (B) of this article, the owner of a dangerous dog, in accordance with Section 822.0422 of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, shall deliver the dog to the director not later than the fifth day after the date on which the owner receives notice that a complaint has been filed. Additionally, the municipal court shall conduct a hearing to determine whether a dangerous dog committed an act described in Section 7-5.1(b)(2)(A) or (B) of this article. 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, either in person or by mail, written notice of the date, time, and location of the hearing to the dog owner and the complainant. Any interested person may present evidence at the hearing.”

SECTION 7. 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;

(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;

(C) ~~[release the dog to the owner if the director determines that the owner will permanently remove the dog from the city within a period of time designated by the court and reseize, impound, and humanely destroy the dog if the owner has not permanently removed the dog from the city within the designated period of time;]~~ or

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

SECTION 8. That Article V, “Dangerous Dogs,” of Chapter 7, “Animals,” of the Dallas City Code is amended by adding a new Section 7-5.11, “Dangerous Dog Registry,” to read as follows:

**“SEC. 7-5.11. DANGEROUS DOG REGISTRY.**

The director shall publish a list including identifying information on all dogs determined dangerous in the city. The list must include the dangerous dog’s address, description, pictures, microchip number, the owner’s name, and any other pertinent information. This list must be publicly available at the Dallas Animal Services Facility and on the animal services website.”

SECTION 9. That Chapter 7, “Animals,” of the Dallas City Code is amended by adding a new Article V-a, “Aggressive Dogs,” to read as follows:

**“ARTICLE V-a.**

**AGGRESSIVE DOGS.**

**SEC. 7-5.12. DEFINITION.**

In this article, 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.

**SEC. 7-5.13. DETERMINATION AS AN AGGRESSIVE DOG.**

(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. 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.

(b) Notwithstanding Subsection (a), the director shall have discretionary authority to refrain from determining a dog is an aggressive dog, even if the dog engaged in acts specified in Section 7-5.12.

(c) The director may seize and impound the dog at the owner’s expense pending the investigation and determination of whether the dog is an aggressive dog. The director shall impound the dog, if the director cannot, with due diligence locate the owner of the dog that has been seized under this subsection. If the owner of the dog has not been located before the 15th day after seizure and impoundment, the dog will become the sole property of the city and is subject to disposition as the director deems appropriate.

(d) At the conclusion of the investigation required by this section, the director shall:

(1) determine that the dog is not aggressive and, if the dog is impounded, may waive any impoundment fees incurred and release the dog to its owner;

(2) determine that the dog is aggressive and order the owner to comply with the requirements for ownership of an aggressive dog set forth in Section 7-5.15 of this article and, if the dog is impounded, release the dog to its owner after compliance with all applicable requirements of Subsection (e) of this section.

(3) If a dog is determined to be an aggressive dog, the director shall notify the dog owner in person or by certified mail, return receipt requested:

- (i) that the dog has been determined to be an aggressive dog;
- (ii) what the owner must do to comply with requirements for ownership of an aggressive dog and to reclaim the dog, if impounded; and
- (iii) that the owner has the right to appeal the determination of aggressiveness.

(e) An impounded dog determined by the director to be aggressive must remain impounded, or confined at a location approved by the director, and may not be released to the owner until the owner pays all fees incurred for impoundment of the dog and complies with all requirements for ownership of an aggressive dog set forth in this article.

(f) If the owner of an impounded dog has not complied with Subsection (e) within 15 days after a final determination is made that an impounded dog is aggressive, the dog will become the sole property of the city and is subject to disposition as the director deems appropriate.

**SEC. 7-5.14. APPEALS.**

If, under Section 7-5.13 of this article, the director determines that a dog is aggressive, that decision is final unless the dog owner files a written appeal with the municipal court within 10 days after receiving notice that the dog has been determined to be aggressive. The appeal is a de novo hearing and is a civil proceeding for the purpose of affirming or reversing the director's determination of aggressiveness. If the municipal court affirms the director's determination of aggressiveness, the court shall order that the dog owner comply with the ownership requirements set forth in Section 7-5.15 of this article. If the municipal court reverses the director's determination of aggressiveness and, if the dog is impounded, the court may waive any impoundment fees incurred and release the dog to its owner.

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

(a) A person shall, not later than the 15th 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 registration fee of \$50;
- (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 enclosure, must be securely muzzled 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 financial responsibility in an 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 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.

**SEC. 7-5.16.           ATTACKS BY AN AGGRESSIVE DOG.**

(a) If a previously determined aggressive dog commits an act describe in Section 7-5.12 of this article, the director may seize and impound the aggressive dog at the owner's expense pending a hearing before the municipal court in accordance with this section.

(b) Upon receipt of a sworn, written complaint by any person, including the director, of an incident described in Section 7-5.12 of this article, the municipal court shall conduct a hearing to determine whether an aggressive dog committed an act described in Section 7-5.12 of this article. 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 owner of the aggressive dog and the complainant. Any interested party may present evidence at the hearing.

(c) At the conclusion of the investigation, the 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;

(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.

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

SECTION 10. 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, 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, 7-7.3, 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, 7-6.2, or 7-7.1.”

SECTION 11. That Subsection (b) of Section 7-8.2, “Additional Enforcement Provisions,” of Chapter 7, “Animals,” of the Dallas City Code is amended to read as follows:

“(b) Upon a person’s third conviction of violating Section 7-3.1, 7-4.1, 7-4.2, 7-4.7, 7-4.10, [~~or~~] 7-4.11, or 7-4.14 of this chapter, a court may do one or more of the following:

(1) order the impoundment of any animal owned by the person, forfeit the person’s ownership of the animal, and award sole possession of the animal to the city; or

(2) suspend the person’s right to own an animal in the city for a period of time as specified by the court.”

SECTION 12. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.



SECTION 13. That Chapter 7 of the Dallas City Code shall remain in full force and effect, save, and except as amended by this ordinance.

SECTION 14. 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 15. 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 16. 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:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_