



The City of Plano's Code of Ordinances regulates the reporting, determination, housing, removal, and euthanasia of animal deemed Dangerous in accordance with the Ordinance. The following definitions and Ordinance sections are provided to help complainants and owners know their rights and responsibilities under the law.

ARTICLE I. DEFINITIONS AND ENFORCEMENT

Animal Services Director means the Director of the City of Plano Animal Services Department and his authorized designees.

At large means an animal that meets at least one (1) of the following criteria:

- (1) An animal that is not confined to the premises of the owner by substantial physical means of restraint of sufficient height, strength, and/or manner of construction to preclude the animal from leaving the premises of the owner or being able to come within six (6) feet of any public area;
- (2) An animal that is not under direct physical control of a person by means of a tether of sufficient strength and of a length of not more than six (6) feet.

The term *at large* does not apply to an animal that is lawfully in any off-leash site or dog park authorized by the city or the Code, so long as the person with care, custody, or control of the animal is in compliance with all other requirements of the Code. This definition does not apply to an indigenous wild or feral animal.

Bodily injury means physical pain, illness, or any impairment of physical condition that would cause a reasonably prudent person to seek treatment from a medical professional or veterinarian without regard to whether the person actually sought the treatment. This term includes, but is not limited to, a bite or scratch wound and any bodily injury resulting from the victim attempting to escape or prevent contact with the injuring animal.

City means the City of Plano.

City enforcement agent means any designee of the city animal services director, any animal services officer, or law enforcement officer that is employed by the city.

Dangerous animal means:

- (1) An 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) An 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) An animal that commits an unprovoked attack on a human being that causes serious bodily injury or death and occurs in 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 unless the person who was attacked was trespassing or otherwise violating the law by being within the enclosure;
- (4) An animal that is at large and commits an unprovoked attack on a domestic animal that causes the death of the attacked animal; or
- (5) An animal that is at large and commits an unprovoked attack on a domestic animal that causes serious bodily injury to the attacked animal and the attacking animal has already committed at least one (1) unprovoked attack on a previous occasion against a human being or domestic animal;
- (6) The term *dangerous animal* does not include an animal that commits an unprovoked attack on a human being in an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure where the person who was attacked was trespassing or otherwise violating the law by entering the enclosure.

Secure enclosure means an animal housing enclosure that meets all of the following criteria:

- (1) Is located inside a separate fenced area;
- (2) Is locked;
- (3) Is capable of preventing the entry of the general public, including children;
- (4) Is capable of preventing the escape or release of an animal in the enclosure;

- (5) Is clearly marked as containing a dangerous animal;
- (6) Has an attached, secure roof;
- (7) Has a concrete floor or sides buried not less than two (2) feet into the ground and constructed to prevent the animal from digging under the secure enclosure and escaping;
- (8) Is located a minimum of five (5) feet from any fence line or wall that abuts private property or a public area; and
- (9) Complies with all additional requirements as established and provided in writing to the owner by the animal services department or this chapter.

Serious bodily injury means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Unprovoked means that the animal was not hit, kicked, pulled, struck, pinched, poked, prodded, shocked, or squeezed by a person with an object or part of the person's body, or otherwise teased or tormented in any manner.

ARTICLE IX. DANGEROUS ANIMALS

Section 4-151. Complaints.

- (a) Upon receipt of a sworn, written complaint by any person over the age of eighteen (18) years charging that a particular domestic animal is a dangerous animal as defined in this chapter, the City Enforcement Agent shall investigate the complaint, and if there is sufficient evidence of dangerousness, a hearing before the Animal Services Director or his designee shall be held to determine whether the animal is dangerous, unless the matter is resolved by agreement of all parties prior to the hearing. To be considered valid, a sworn, written complaint shall contain at least the following information:
 - (1) Name, address and telephone number of complainant(s) and other witnesses;
 - (2) A description of the animal and the address where it resides, and, if known, the name and telephone number of the owner of the animal;

- (3) A statement describing the facts upon which the complaint is based including: a description of the incident or incidents which cause the complainant to believe the animal is a dangerous animal; the date, time and location of the incident; a description of the injuries sustained and whether medical assistance was sought and the outcome of that treatment;
- (4) Any other facts that the complainant believes to be important.

Section 4-152. Impoundment pending hearing.

- (a) Prior to the hearing before the Animal Services Director, the animal shall be impounded and boarded at the owner's expense at the Animal Services Facility, or any other state approved quarantine facility, pending the outcome of the hearing. If the animal that is the subject of the hearing was already impounded for being an animal at large, was seized pursuant to this chapter, or was abandoned at the Animal Services Facility, the animal shall remain impounded until the conclusion of the hearing.
- (b) A person commits an offense if he interferes with the lawful seizure or impoundment of an animal by a City Enforcement Agent.
- (c) A person commits an offense if he harbors, hides, transports, or secures the transport for any animal for the purpose of preventing its impoundment.
- (d) A person commits an offense if the person operates or manages a quarantine facility other than the Animal Services Facility, and he fails to properly confine the animal to prevent its escape, releases it to any person, or fails to account for the animal's whereabouts.
 - (1) Section 4-152(d) shall not apply if the person operating or managing the quarantine facility first obtains written permission from the Animal Services Director to release the animal;

Section 4-153. Hearing.

- (a) The hearing before the Animal Services Director to determine if an animal is a Dangerous Animal shall be conducted within twenty (20) business days after receipt of the sworn complaint, impoundment, or seizure of the animal, whichever occurs later.
- (b) Notice of the hearing before the Animal Services Director shall be provided by the Animal Services Director or his designee to the owner of the animal and all complainants who provided a sworn complaint by certified mail, return receipt requested or by personal service. At the hearing before the Animal Services Director, any interested party,

including the city attorney or his or her designee, shall be given opportunity to present evidence on the issue of whether the animal is dangerous.

- (c) Upon conclusion of a hearing to determine if an animal is a Dangerous Animal, the Animal Services Director may find that the animal is not dangerous and order that it be promptly returned to its owner's custody after all impound and board fees have been paid. The Animal Services Director shall have the authority to refund, reduce, or waive any fees incurred to the owner.
- (d) If the Animal Services Director makes a finding that the animal meets the definition of a Dangerous Animal as described in Section 4-1 of this chapter and that the destruction, removal, or registration of the animal is necessary to preserve the public health, safety, or welfare, then the Animal Services Director shall order one of the following:
 - (1) Euthanasia of the dangerous animal:
 - a. shall be ordered if the Animal Services Director makes a finding that the animal caused the death of a person;
 - b. may be ordered if the Animal Services Director makes a finding that the animal caused serious bodily injury or bodily injury to a person;
 - c. may be ordered if the Animal Services Director makes a finding that the animal was outside its enclosure or yard and caused serious bodily injury or death to another animal;
 - d. may be ordered if the Animal Services Director makes a finding that the animal was outside its enclosure or yard and caused bodily injury to another animal and has made at least one (1) unprovoked attack against an animal or person on a previous occasion;
 - e. may be ordered if the owner of the animal requests euthanasia of the animal.
 - (2) Removal of the dangerous animal from within the City limits.
 - a. Prior to the release of the animal from quarantine the owner shall make the animal available to the Animal Services Facility for scanning of the microchip implanted in the animal and provide to the Animal Services Director, in writing, all of the following:

1. the destination address of where the animal is to reside and the name of the person who will have care, custody, or control of the animal at the destination address;
 2. proof that the owner has alerted the agency responsible for animal services in that area; and
 3. proof that a microchip has been implanted into the animal.
- b. A person commits an offense if he removes the animal from the City under this section and fails to:
1. Implant a microchip in the animal; or
 2. Provide proof of the implanting of the microchip; or
 3. Make the animal available for scanning.
- c. A person commits an offense if he removes the animal from a state approved quarantine facility prior to complying with the notice requirements in subsection 4-153(d) (2).
- d. A person commits an offense if he allows an animal that has been determined to be a Dangerous Animal and ordered to be removed from the City limits to return to the City limits.
- (3) Return to the owner as a registered Dangerous Animal after the owner demonstrates compliance with this chapter and the following requirements. The owner shall maintain compliance with all of the following requirements for the remainder of the Dangerous Animal's life while the Dangerous Animal is located or resides in the City:
- a. Obtain and maintain liability insurance coverage or showing financial responsibility in an amount of at least two hundred and fifty thousand dollars (\$250,000) to cover damages resulting from an attack by the Dangerous Animal causing bodily injury, serious bodily injury or death to a person or another animal. A certificate of insurance or other evidence of meeting the above requirements shall be kept on file at the Animal Services Facility;
 - b. Registering the Dangerous Animal with the City of Plano by providing the name and address of the owner; the breed, age, sex, color and any other identifying marks of the

animal; the address where the animal is to be kept; and at least two (2) color photographs that clearly identify the Dangerous Animal;

- c. Provide proof of animal sterilization;
 - d. Construct and maintain a secure enclosure for the animal;
 - e. Post and maintain signs giving notice of a Dangerous Animal in the area or on the premises in which the animal is confined. The signs shall be conspicuously posted at both the front and rear property entrances and shall bear letters not less than two (2) inches high, stating "DANGEROUS ANIMAL ON PREMISES";
 - f. Provide and maintain on the animal a fluorescent yellow collar visible at fifty (50) feet in normal daylight with an attached tag provided by the Department to the collar that is worn at all times so that the animal can be easily identified;
 - g. Implant and maintain a microchip into the animal and register it for life with the Department and a recognized national registry;
 - h. Provide written notice of the animal's designation as dangerous to the owner or landlord of the property where the animal will be kept;
 - i. Pay the appropriate Dangerous Animal annual permit fee;
- (e) The owner shall have fifteen (15) days from the determination by the Animal Services Director that the animal is dangerous to comply with all of the required conditions as set forth by this chapter and the order of the Animal Services Director, unless the determination is appealed pursuant to Section 822.0421, Texas Health and Safety Code, as amended. If the owner fails to provide proof of compliance with all of the requirements in the order, and the order is not appealed pursuant to Section 22.0421, as amended, Texas Health and Safety Code, as amended, the animal may be euthanized on the sixteenth (16th) day following the order of the Animal Services Director.
- (f) A person commits an offense if he allows an animal that has been determined to be a Dangerous Animal to be kept or remain in any duplex or in any multi-family, residentially zoned property.
- (g) A person commits an offense if he allows an animal that has been determined to be a Dangerous Animal to be kept or remain on a porch,

patio, or in any part of a house or structure that would allow the animal to exit of its own volition.

- (h) A person commits an offense if he allows an animal that has been determined to be a Dangerous Animal to be kept in a house or structure when any window is open or when any screen window or screen door is the only obstacle preventing the animal from exiting the structure; and
- (i) A person commits an offense if he allows an animal that has been determined to be a Dangerous Animal to be outside of the owner's residence or its secure enclosure unless the animal is under continuous direct physical control by a person of competent mental and physical ability to restrain the animal under all circumstances.
- (j) A person commits an offense if he allows an animal that has been determined to be a Dangerous Animal tethered to an inanimate object, including, but not limited to a tree, post, or building, for any length of time.
- (k) A person commits an offense if he allows an animal that has been determined to be a Dangerous Animal to be outside its secure enclosure without being securely fitted with a muzzle that will prevent the animal from biting other animals or human beings without causing injury to the animal or interfering with its vision or respiration.
- (l) A person commits an offense if he is the owner of a permitted Dangerous Animal and refuses, upon request by the Department, to make his animal, premises, facilities, equipment, and any necessary permits available for inspection at any reasonable time.
- (m) A person commits an offense if he is the owner of a Dangerous Animal and he fails to maintain the requirements in 4-153(d) (3) for the remainder of the animal's life.
- (n) No domestic animal may be found to be a Dangerous Animal if the Animal Services Director finds sufficient evidence that
 - (1) The threat, injury, or damage was sustained by a person who at the time was committing or attempting to commit a willful trespass or other tort upon the premises occupied by the owner of the animal;
 - (2) The person was teasing, tormenting, abusing, or assaulting the animal or has in the past been observed to have teased, tormented, abused, or assaulted the animal;

- (3) The person attacked was committing or attempting to commit a crime;
- (4) The animal attacked was at large at the time of the incident, unless the attacking animal was also at large at the time of the incident and:
 - a. The attacking animal has committed an unprovoked attack on another person or animal on at least one (1) previous occasion; or
 - b. The animal attacked died as a result of the injuries it sustained during the attack.
- (5) The animal attacked or killed at the time of the incident was teasing, tormenting, abusing, or attacking the alleged Dangerous Animal or if the animal attacked was not a domestic animal;
- (6) The animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault;
- (7) The animal was injured and responding to pain;
- (8) The complaint filed against it is based solely on the animal's breed, size, or physical appearance; or
- (9) The attack, bite, or mauling occurred while the dog was being used by a peace officer for law enforcement purposes.

Section 4-154. Dangerous Animal: escape, death or subsequent attack.

- (a) In the event that a registered Dangerous Animal escapes its enclosure or attacks a human being or another animal, the owner of the Dangerous Animal shall notify the Department. Additionally, the owner shall provide written documentation of the incident to the Animal Services Director within one (1) business day of becoming aware of the escape or attack. The written documentation may be delivered by hand, U.S. mail or email.
 - (1) A person commits an offense if he fails to provide notice as required in Section 4-154(a).
 - (2) A person commits an offense if he fails to provide written documentation as required in Section 4-154(a).
- (b) In the event that a registered Dangerous Animal dies, the owner must present the body of the animal to the Department or a licensed veterinarian

for verification by microchip identification before disposal of its body. If the owner presents the animal to a licensed veterinarian, the owner shall provide written verification of the microchip reading to the Department within three (3) business days of the scanning.

- (1) A person commits an offense if he fails to have the identity of the dead animal verified by microchip scanning as required in Section 4-154(b).
- (2) A person commits an offense if he fails to provide verification of the scanning as required in Section 4-154(b).

Section 4-155. Transferring ownership of registered Dangerous Animal.

- (a) Prior to relocating, transferring ownership, offering to transfer ownership, or otherwise moving or offering to move in any way a registered Dangerous Animal, either inside or outside the City limits, the owner shall notify the Animal Services Director in writing of his intention. If ownership is to be transferred, the notification shall include the name and address of the proposed new owner of the animal.
- (b) If ownership of the animal is being transferred to a person who resides within the City limits of Plano, the new owner will be required to provide proof to the Animal Services Director of complying with all provisions of this chapter before the animal can be moved from the previous owner's custody.
- (c) If the animal is being moved outside the City limits, the owner must provide, in writing to the Animal Services Director, proof that the new owner has alerted the agency responsible for animal services in that area.
- (d) A person commits an offense if he fails to comply with the requirements of Section 4-155.

Section 4-156. Violations of conditions by owner of a registered Dangerous Animal.

- (a) In the event that any owner of a registered Dangerous Animal violates any provision of this chapter, court order, or lawful order of the Animal Services Director, the animal may be immediately seized and impounded by a City Enforcement Agent.
- (b) The registered Dangerous Animal shall be seized immediately if the animal bites, injures, or attacks a human being or another animal.
- (c) A Dangerous Animal hearing shall be held in accordance with Section 4-153.

- (d) If the seizure or impoundment of a Dangerous Animal for violating any provision of this chapter cannot be made with safety, and the Dangerous Animal is putting people or other animals at risk of being attacked, the animal may be destroyed without prior notice to the owner.
- (e) It is an exception to the seizure of the animal under this section if the person attacked or injured was at the time committing a willful trespass, crime, or other tort upon the premises occupied by the owner of the animal.
- (f) It is an exception to the seizure of the animal under this section if the animal which was injured was inside the fence line or secure enclosure area maintained by the owner of the registered Dangerous Animal.

Section 4-157. Appeal.

- (a) Orders of the Animal Services Director pertaining to a Dangerous Animal may be appealed to the Plano Municipal Court. Appeals to the court shall be made by the owner filing a written notice of appeal with the court not later than the fifteenth (15th) day after the date the Animal Services Director's Determination or Order was entered. During the pendency of the appeal, the order of the Animal Services Director shall be suspended, and the animal shall remain impounded at the owner's expense at the Animal Services Facility or other state approved quarantine facility for observation. The decision of the municipal court may be appealed to a court of competent jurisdiction.
- (b) The appeal before the municipal court shall be a trial de novo. The standard procedures for trial settings in the municipal court shall be used for these appeals.
- (c) The owner filing the appeal shall file an appeal bond in the amount of \$300.00 with the municipal court. The bond shall be used to cover the cost of daily care of the animal. Should the judge or jury determine the animal is not dangerous the appeal bond may be returned if the amount has not been assessed as costs of daily care.
- (d) The owner shall be 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.
- (e) The judge or jury may render a verdict in the appeal which conforms to the findings in section 4-153 of this ordinance.
- (f) The defenses to conduct found in section 4-153(h) shall be affirmative defenses in the trial de novo.

- (g) The owner shall pay all assessed costs before the animal is released to the owner.
- (h) The owner may appeal the decision of the municipal court in the manner described by Section 822.0424 of the Texas Health & Safety Code, as amended.

Section 4-158. Animals deemed dangerous by other jurisdictions.

- (a) The owner of an animal that has been determined to be dangerous by another jurisdiction, under guidelines similar to those in this chapter, is prohibited from bringing the animal into the City. Any animal that is brought into the City in violation of this section shall immediately be turned over to a City Enforcement Agent. On the sixteenth (16th) day, the impounded animal may be considered abandoned and disposed of as authorized in this chapter. The owner may elect to immediately remove the animal from the City and shall comply with the notice requirements of this chapter.
 - (1) A person commits an offense if he is the owner of an animal that has been determined to be dangerous by another jurisdiction and brings such animal into the City limits.

Section 4-159. Listing of registered Dangerous Animals.

The Animal Services Director shall publish a list available to any citizen that states the identifying information of all animals deemed dangerous. The Dangerous Animal's address, description, and pictures shall be included as well as any other information deemed pertinent. The list shall be available at the Animal Services Facility and on the City's webpage.

**DANGEROUS ANIMAL HEARING COMPLAINT
AFFIDAVIT**

STATE OF _____)

COUNTY OF _____)

COMES NOW _____, and being duly sworn, deposes and states: That as the below named complainant he/she has personal knowledge of all the facts hereinafter set forth.

COMPLAINANT'S NAME

TELEPHONE

STREET ADDRESS

CITY

STATE

ZIP

OWNER'S NAME

TELEPHONE IF KNOWN

HOME ADDRESS

CITY

STATE

ZIP

ANIMAL DESCRIPTION

DATE (S) ALLEGED IMPROPER ACTS TOOK PLACE

NAMES AND ADDRESS OF WITNESSES:

